UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/50/390
29 August 1995
ENGLISH
ORIGINAL: ENGLISH/FRENCH/
SPANISH

Fiftieth session
Item 106 of the provisional agenda*

RIGHT OF PEOPLES TO SELF-DETERMINATION

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, in accordance with General Assembly resolution 49/150 of 23 December 1994, the report prepared by Mr. Enrique Bernales Ballesteros (Peru), Special Rapporteur on the question of the use of mercenaries.

---

* A/50/150.

95-26486 (E) 180995 220995 250995

Annex

Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, submitted by the Special Rapporteur of the Commission on Human Rights

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 3	3
II.	ACTIVITIES OF THE SPECIAL RAPPORTEUR	4 - 15	3
	A. Implementation of the programme of activities	4 - 6	3
	B. Correspondence	7 - 15	4
III.	LOCATION OF MERCENARY ACTIVITIES	16 - 46	8
	A. Armed conflicts and mercenary activities	21 - 29	9
	B. Cooperation among States in preventing mercenary activities	30 - 39	12
	C. Mercenary activities in Africa	40 - 46	14
IV.	PRESENCE OF MERCENARIES IN THE TERRITORY OF THE FORMER YUGOSLAVIA	47 - 62	16
	A. Armed conflicts in the former Yugoslavia and the presence of mercenaries	47 - 51	16
	B. Evaluation of the visits to the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)	52 - 62	17
V.	CONCLUSIONS	63 - 75	19
VI.	RECOMMENDATIONS	76 - 86	23

I. INTRODUCTION

1. The General Assembly, in its resolution 49/150 of 23 December 1994, inter alia, reaffirmed that the use of mercenaries and their recruitment, financing and training are causes of grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations. The Assembly urged all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure by legislative measures that their territory and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries or for the planning of activities designed to destabilize or overthrow the Government of any State, threaten the territorial integrity of sovereign States or fight the national liberation movements struggling against colonial domination and foreign intervention or occupation.

2. The General Assembly called upon all States that had not yet done so to consider taking early action to sign or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, and urged all States to cooperate with the Special Rapporteur in the fulfilment of his mandate. The Assembly took note of the report of the Special Rapporteur (A/49/362, annex) and in particular the concern expressed therein at the continuation of mercenary-related activities despite Assembly resolution 48/92, and requested him to submit a report with specific recommendations to the Assembly at its fiftieth session on the new elements identified in the use of mercenaries.

3. Pursuant to the provisions of the resolution, the Special Rapporteur has the honour to submit to the General Assembly for consideration his report on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. The report has been drawn up in accordance with the limit on the number of pages established, for reasons of austerity, for reports to the Assembly.

II. ACTIVITIES OF THE SPECIAL RAPPORTEUR

A. Implementation of the programme of activities

4. The Special Rapporteur visited the Republic of Croatia on an official mission from 13 to 18 September 1994. He subsequently also visited the Federal Republic of Yugoslavia (Serbia and Montenegro) on an official mission from 19 to 23 September 1994. An account of both visits is contained in chapter IV of the report submitted to the Commission on Human Rights at its fifty-first session. 1/

5. The Special Rapporteur submitted his report to the Third Committee of the General Assembly on 11 October 1994. He subsequently travelled to Geneva on 30 January 1995 in order to submit his report 1/ to the Commission on Human Rights, which he introduced on 1 February 1995 at the 5th meeting of the fifty-first session. During his stay in Geneva, the Special Rapporteur held

consultations with representatives of a number of States and met with members of non-governmental organizations. He also held coordination meetings with the Centre for Human Rights.

6. The Special Rapporteur returned to Geneva on two occasions, from 29 May to 2 June 1995 and from 31 July to 4 August 1995 in order to conduct a number of consultations, participate in the meeting of special rapporteurs and special representatives, independent experts and chairmen of working groups of the Commission on Human Rights, which took place from 29 to 31 May 1995, and in order to draft this report, respectively.

B. Correspondence

7. Pursuant to the provisions of General Assembly resolution 49/150 of 23 December 1994 and Commission on Human Rights resolution 1995/5 of 17 February 1995, the Special Rapporteur sent a communication dated 8 May 1995 to all States Members of the Organization, requesting the following information:

(a) Information relating to the possible existence of activities of mercenaries which, in violation of the sovereignty and laws of their countries, might have occurred or be occurring in their territory (recruitment, financing, training, assembly, transit or use of mercenaries);

(b) Information relating to the possible existence of activities of mercenaries in the territory of another country which impair or may impair the sovereignty of their State and the exercise of the right of their people to self-determination;

(c) Information relating to the possible existence of activities of mercenaries in their territory or in the territory of another State which are associated with the performance of illegal international acts such as terrorist attacks, drug and arms trafficking, smuggling and other activities which impair the constitutional stability of their Governments and the enjoyment of human rights by their population;

(d) Information relating to the possible existence of activities of mercenaries in the territory of another country which impair or may impair the sovereignty of other countries in their subregion, region or continent and the exercise of the right of other peoples to self-determination;

(e) Information on domestic legislation currently in force and international treaties to which their country is party relating to the prohibition of activities of mercenaries and their use as a means of violating the sovereignty of other States and impeding the exercise of the right of peoples to self-determination;

(f) Their Government's position on the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted by the General Assembly on 4 December 1989; and

(g) Suggestions which, in their Government's opinion, might be useful in refining the international approach to the subject of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination.

8. The reports received by the Special Rapporteur relating to the alleged use of mercenaries in the Armenian-Azerbaijani conflict in the territory of Nagorno-Karabakh were conveyed to the Government of Azerbaijan in a letter dated 26 July 1993, and to the Government of Armenia in a letter dated 28 July 1993. The reply of the Government of Azerbaijan is contained in the Special Rapporteur's previous report to the General Assembly (A/49/362, annex, paras. 69-71). On 21 December 1994, Mr. Vartan Oskanian, Deputy Minister for Foreign Affairs of the Republic of Armenia, sent a letter to the Special Rapporteur which is reproduced in the addendum to this report.

9. In its letter of 3 January 1995, the Permanent Mission of Sri Lanka to the United Nations Office at Geneva supplied the following relevant information from its Government:

> "Sri Lanka firmly opposes the use of force and any attempts to destabilize or overthrow legitimate Governments whether through the use of mercenaries and assorted terrorist groups or by any other means. Equally we oppose the use of mercenaries against genuine national liberation movements such as those ranged against apartheid and racism.
>
> "Within the context of the South Asian Association for Regional Cooperation (SAARC), the regional Convention on Suppression of Terrorism has been in effect since August 1988. This Convention provides an effective legal framework for the countries of the region to cooperate with one another in combating acts of terrorism, such as the act against Maldives, which affect the security and stability of the region as well. The Convention requires States to respect the sovereignty and territorial integrity of each other and to prevent their territories from being used for the perpetration of terrorist acts against another State. It imposes a fundamental legal obligation on States to either extradite or prosecute terrorist offenders.
>
> "Though not directly and specifically concerned with the use of mercenaries, the SAARC Convention has thus clear provisions to tackle the root cause of mercenarism and the training and arming of mercenaries and could help in the prevention of threats to the sovereignty, independence and territorial integrity of States in the region.
>
> "Sri Lanka is in the process of studying the question of becoming a party to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries."

10. Mr. Roberto Robaina González, Minister for Foreign Affairs of Cuba, sent a letter to the Special Rapporteur dated 3 January 1995, which states the following:

"The use, recruitment, financing and training of mercenaries are crimes which deeply concern all States in that they violate the fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and they impede the process of the self-determination of peoples struggling against colonialism and all forms of foreign domination and occupation. The activities of mercenaries constitute a flagrant violation of fundamental and inalienable human rights.

"In his report to the forty-ninth session of the General Assembly (A/49/362, annex), the Special Rapporteur presented an in-depth analysis of the causes and consequences of current mercenary practices in various parts of the world, and of the increasingly apparent connection between the activities of mercenaries and those of terrorists; he also formulated recommendations which should be endorsed by the international community in order to put a stop to these activities. This report reaffirms the need for the Commission on Human Rights to continue examining this topic, for the Special Rapporteur to study the phenomenon even more thoroughly, and for States to continue reporting instances of mercenary activity whenever they occur.

"The Government of the Republic of Cuba adds its voice to those Governments which advocate outlawing the use, recruitment, financing and training of mercenaries, and the operations which they undertake, as being a flagrant violation of the sovereign rights of States and of the exercise of the right of peoples to self-determination, and a crime against fundamental human rights and freedoms. In this spirit, Cuba has sponsored appropriate resolutions on this topic in both the General Assembly and the Commission on Human Rights, and it has supported the Special Rapporteur's excellent work.

"In addition, it is worth reiterating that article 119 of the Cuban Penal Code describes mercenary activity as a crime repudiated by the moral sense of international law.

"The International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted by the General Assembly on 4 December 1989, is one of the international instruments currently being studied by the competent Cuban authorities.

"In its replies on previous occasions with regard to this topic, in particular its reply of 8 June 1993, the Government of the Republic of Cuba has reported the mercenary and terrorist operations undertaken against our country by mercenary groups financed and trained in the territory of the United States of America; these operations aim to overthrow the Cuban revolution and wipe out the social achievements won over the past years.

"In 1994, these mercenary operations continued to be waged against Cuba, the most recent being an attempted infiltration of the north coast of the country, in the Caibarién region, by three fully armed mercenaries whose aim was to commit terrorist acts in an attempt to undermine the

social order of the country and overthrow the legitimately established Government of Cuba.

"José Marcelo García Rubalcava, a Mexican citizen residing in the state of California, United States of America, was arrested in Havana in September 1993; he intended to smuggle into the country two tear-gas hand grenades and propaganda material for a terrorist group calling itself 'Alpha 66', which advocated taking tourists visiting Cuba as hostages. Subsequently, Andrés Nazario Sargent, the head of this terrorist group, made a statement to the El Nuevo Herald in which he said that members of 'Alpha 66', after infiltrating the island, had pledged to carry out 'acts of violence, attacks, sabotage and other operations' at beaches, hotels and other tourist areas with the aim of frightening tourists away from Cuba.

"A similar threat was received in October 1993 from members of the group 'Campaign for the Freedom to Travel', which demands the right of every United States citizen to travel freely in any country with which the United States is not at war.

"It is the frightening impunity with which terrorist groups such as 'Alpha 66', 'Comando L', 'Brigada 2506', 'PUND' and the self-styled 'Comandos F-4' organize and prepare their armed aggression against Cuba from the south of Florida, United States of America, which constitutes a flagrant violation of fundamental human rights."

11. By its note verbale dated 29 June 1995, the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva transmitted the following reply from its Government to the Special Rapporteur's request for information:

"The recruitment of mercenaries in the United Kingdom is always deplorable and in some cases unlawful. The Foreign Enlistment Act of 1870 prohibits the recruitment of persons to serve with the forces of a foreign State at war with another foreign State which is at peace with the United Kingdom. Moreover, if any evidence came to light that British citizens recruited as mercenaries were engaged in illegal activities themselves, that evidence would be referred to the prosecuting authorities.

"The British Government has no plans to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries."

12. The Special Rapporteur also received replies from the Governments of Ecuador (1 June 1995), Laos (8 June 1995), Latvia (29 May 1995), Mexico (11 July 1995), Myanmar (24 July 1995), Namibia (22 June 1995), Palau (3 July 1995), San Marino (31 May 1995), and Uruguay (6 June 1995).

13. The communications from the Governments of Ecuador, Mexico and Uruguay referred, inter alia, to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. Uruguay also described those provisions of its domestic legislation which could be applicable to the suppression of mercenary activities.

14. Deputy Prime Minister and Minister for Foreign Affairs Mate Granić of Croatia sent a letter dated 30 June 1995 to the Special Rapporteur; it is reproduced in the addendum to this report.

15. By its communication of 14 July 1995, the Permanent Mission of the Federal Republic of Yugoslavia (Serbia and Montenegro) to the United Nations Office at Geneva transmitted information regarding the presence and use of mercenaries in the territory of the former Yugoslavia. That information is reproduced in the addendum to this report.

III. LOCATION OF MERCENARY ACTIVITIES

16. Throughout its 50-year history, the United Nations has endeavoured to bring about the realization of two of the primary purposes of the Organization, namely, to maintain peace and to provide collective security to the peoples of the world. Recognition of this effort is the greatest tribute that could be made to the fiftieth anniversary of the United Nations now being celebrated. Without the United Nations, the world would probably have suffered even greater conflicts and situations of considerable danger to humankind. This is all the more likely in light of the fact that, despite the Organization's efforts to achieve peace and universal respect for human rights, situations of conflict and many instances of violence do indeed continue to exist, with consequences detrimental to peace in certain countries or regions, to the sovereignty of States and to the stability of constitutional Governments. Such abnormal situations have included violations of fundamental rights, such as the right to life and freedom, the physical integrity of persons and the rights of peoples. The numerous armed conflicts which have arisen during the second half of the twentieth century have entailed massive violations of human rights. Some of them are still taking place. So many millions have been killed or maimed, or are missing, refugees, internally displaced or orphaned, that such conflicts, including so-called low-intensity wars, are thought to have made as many victims overall as the Second World War, as well as having seriously disrupted world peace. Ending armed conflicts is therefore one of the principal challenges facing the United Nations.

17. The numerous references to such situations in the Special Rapporteur's reports are due to the observed fact that, in most cases, there is a close connection between such conflicts, the way in which they come about and the somewhat evasive position generally taken by the States involved when mention is made of the use of mercenaries by one or all of the parties to a conflict. This should be borne in mind by United Nations organs, since the presence of mercenaries in armed conflicts tends to make them longer lasting, more serious and bloodier. Admittedly, the International Convention against the Recruitment, Use, Financing and Training of Mercenaries has not yet come into force, but none the less it seems that, despite the provisions of article 47 of the 1977 Additional Protocol I to the Geneva Conventions of 1949, mercenaries are very actively involved in armed conflicts and are responsible for their most violent and cruel aspects.

18. This statement is neither gratuitous nor exaggerated; it is based upon proven incidents in a number of armed conflicts. Mercenaries exist, and they

are not a small number of individuals; they are groups of professionals selling their skill in war and violence; they are also criminal organizations, and represent an international blight devoted to perpetrating acts of violence which ruin human lives, create material losses and hamper economic activity. They also carry out terrorist attacks which more than once have touched off or aggravated conflicts, with catastrophic results for the peoples affected by them. In the exaggeration of everyday language, many acts or forms of behaviour are erroneously referred to as mercenary; but this misuse of the term, usually found in political propaganda in an attempt to discredit an adversary, and also frequent in the sensationalist press, should not, at the other extreme, lead to a denial of the duly verified presence of mercenary activities or of the existence of international standards, United Nations resolutions and declarations whose purpose is to define a type of human behaviour as mercenary and to condemn it accordingly. Any inadequacy or discrepancy in the interpretation of the existing rules should be invoked, not as justifying mercenary acts and behaviour, but as calling for increased clarification, precision and refinement of the standards of national and international law to combat the activities of mercenaries.

19. Mercenaries generally deny that this is what they are, claiming altruistic, ethnic, ideological or religious motives in order to disguise the true nature, according to international law, of their role. In reality, these arguments are applicable in the case of volunteers, an internationally accepted category, but cannot properly be invoked by a mercenary. Ideological factors, the concept of the "professional soldier" and psychological fixations may play a part in his personal make-up, but in concrete terms, it is all a question of money, pay and lack of scruples, which add up to the hallmark of the mercenary.

20. Mercenary activity is paid. Hired mercenaries attack and kill for financial gain, in a country or conflict which is alien to their own nationality. The historical record, the complaints which have been submitted and the cases of mercenary activity which have been analysed by the Special Rapporteur show that the mercenary is an expert in warfare and in the illicit or even criminal activities for which he is hired and receives a considerable sum of money. He usually adopts ideologies which are extremist, radical, and distinctly intolerant, but he commits criminal acts against the most basic rights of persons and of peoples because he is directly motivated by financial gain.

A. Armed conflicts and mercenary activities

21. Situations of armed conflict, wherever they may occur, undermine peace and should be avoided. The armed conflicts that have taken place during the second half of the twentieth century have been among the main concerns of the United Nations, since they are in contradiction with the Organization's mission of maintaining peace and with the basic principle of international relations which it stands for, that is, friendship and cooperation among States and refraining from the threat or use of force. In addition, armed conflicts threaten the political stability of constitutional Governments and inflict serious damage on the economies of the countries concerned; they lead to recession and poverty, and are generally accompanied by massive human rights violations.

22. The phenomenon of mercenary activity is most clearly apparent in the context of armed conflict. It has been noted that, in situations of armed conflict, professional soldiers whose job situation has deteriorated or fails to meet their expectations in terms of income may consider and accept proposals that turn them into mercenaries. Today, it is impossible to deny the existence of private entities and public bodies which, under a legal cover, conduct clandestine criminal operations as a parallel activity by hiring people who, in exchange for payment, agree to participate in the commission of unconscionable and illegal acts.

23. Although involvement in armed conflict is the best known form of mercenary activity, it would be a mistake to believe that the latter is confined to such situations. In fact, this illicit activity takes a variety of forms. For example, a mercenary may lend his services for the perpetration of criminal acts on behalf of a particular Power or group that wishes to cause damage in another country while using the person recruited to cover its tracks. There have also been infamous cases in which State intelligence authorities or security forces, opposition groups, armed domestic resistance movements or criminal organizations hire mercenaries to engage in illegal actions such as forming paramilitary forces for purposes of repression, organizing death squads or providing military protection for illicit drug trafficking, smuggling or arms trafficking.

24. In the above context, the mercenary, regardless of his nationality, generally offers his services or is available for contact. Organizations that recruit such persons work with government agents or with groups that are parties to a conflict, making the necessary connections and helping to establish a criminal alliance between recruiter and recruit. In some cases, legal devices are used to conceal the nature of the assignment or to make the mercenary appear to be a national of the country in whose armed conflict he is involved. Although the use of such a device conceals the mercenary's real status, information such as the origin of the contractual relationship, the payment, the type of services agreed upon and the simultaneous use of other nationalities and passports, may serve as evidence in establishing the true nationality of persons involved in an armed conflict who are justifiably suspected of being mercenaries.

25. Even though mercenaries are used on a massive scale today in various armed conflicts, owing to the objective increase in the supply of this type of activity, the recent re-emergence of the mercenary took place in conflicts that arose when colonized peoples decided to exercise their right to self-determination. Beginning in the 1960s, during the decolonization of Africa, the active presence of bands of mercenaries constituted a resource for the colonial interests that wished to remain in the region, hindering the process of self-determination from which new African States were emerging or giving rise to situations of destabilization and war in which the mercenary ingredient played a primary role in intensifying and internationalizing the armed conflict. Today, mercenary activities are associated not with a particular continent but with the existence of armed conflicts and of State or private forces all over the world which do not hesitate to use this instrument to achieve specific criminal aims.

26. Generally speaking, mercenaries are former soldiers who compulsively identify with the job of making war, pretend to be fanatical practitioners of a given ideological option and are usually intrinsically intolerant or violent. However, the aggravating factor is that their participation is linked to the bloodiest aspects of a conflict and to the worst crimes against human rights. Moreover, the financial considerations and desire for illicit gain through looting which are associated with their participation may be decisive in prolonging the conflict. The mercenary's interest lies not in peace and reconciliation but in war, since that is his business and his livelihood. This is why, when wars end or become scarce, mercenaries tend to involve themselves in other illegal activities.

27. The Special Rapporteur's previous reports have referred to foreign mercenaries involved in actions to destabilize constitutional Governments or in drug or arms trafficking. Although these reports do not claim to establish a classification of mercenary activities, it is important to take into account the wide range of situations in which this phenomenon is observed, since it affects the sovereignty, self-determination, stability and security of States, as well as the human rights of their inhabitants.

28. The activities normally assigned to mercenaries may be carried out by nationals in their own country or by foreigners who live in a country without having changed their original nationality and legally acquired another. A point at issue is whether these illicit activities, which can do serious harm to a country or Government, should be considered mercenary if recruitment, training and payment are involved. Currently, despite these factors, cases such as these are not considered to involve mercenary activities as such, but acts that can be prosecuted as ordinary offences under the relevant domestic legislation. According to international provisions on the question, foreign nationality is a prerequisite for classifying an offender as a mercenary. In any case, the possibility of changing this criterion should be analysed and debated with a view to revising current international provisions on the subject, in the light of experiences where nationality has been used to mask the mercenary nature of illicit activities engaged in by a Power that recruits, prepares and pays an individual to perpetrate a criminal act against another country, its Government, its property or a given sector of its population.

29. According to this criterion, an irregular armed group engaging in terrorism may easily become a mercenary group by travelling to the territory of a neighbouring State in order to cover and give protection to a gang of drug traffickers, or to occupy a portion of foreign territory, removing it from the authority of the sovereign State. Situations such as these have been observed in recent decades. Likewise, there may be cases in which paid assassins or gangs of criminals are hired to commit crimes outside the territory of the State whose government agents recruit them to act against its own nationals, but cannot be classified as mercenaries under the legislation of the country in which the crimes are committed. However, this would not prevent the act of the recruiters from being classified as illegal payment of mercenaries to perpetrate acts which are prohibited and punishable under international law.

B. Cooperation among States in preventing mercenary activities

30. This section presents information and analyses that may serve as a basis for formulating policies to prevent and combat mercenary activities.

31. The first observation that can be made on the basis of studies of the issue is that mercenary activity is a recurrent phenomenon that can arise anywhere in the world in the context of an existing armed conflict or for the purpose of causing one. Mercenaries may also be present in the absence of armed conflict, in connection with the perpetration of attacks that cause material damage or affect the lives of individuals, or that destabilize the Government of a particular country. While mercenaries are typically present in situations of armed conflict, it would be incorrect to limit the description to those cases alone, since it applies to any situation in which the sovereignty of States, the self-determination of peoples, political stability and the human rights of populations are affected in a premeditated fashion by operations in which the active agent is a foreign mercenary specially hired to carry out unlawful criminal acts.

32. While it is true that a number of African countries have suffered most from the criminal action of mercenaries in recent decades, this should not lead to the erroneous conclusion that there are or have been mercenaries only in Africa. The facts show that any country can be the victim of mercenary action. Moreover, mercenaries come from a variety of countries; they are not organically linked to any State, although there are cases where temporary alliances are formed between intelligence agencies or government security forces which use mercenaries, or the organizations that recruit and train them, to carry out acts of sabotage and hostility against or within a third State. Such operations are usually secret and covered up to ensure that the Government which is really behind the attack cannot be held responsible for it.

33. Another issue is that there are situations where a legal vacuum or loophole permits the existence, in some countries, of legally registered associations which offer contracts freely to people who want to work as mercenaries, without the act of promoting, advertising or signing such a contract being regarded per se as illegal and subject to prosecution. In these cases, the legal loophole is that the law guarantees that the market may operate freely and that people may be recruited freely. The person who recruits a potential mercenary is simply an intermediary and is not committing an act that is illegal and criminal per se, since the mercenary will not necessarily receive money to commit a crime, the contract is signed in a place other than where the criminal action will occur and the country's laws do not classify mercenary activity in a separate category which automatically links the name of the mercenary and his signing of a contract with the commission of a formally defined offence. This situation calls for careful investigation and monitoring of market activities related to the recruitment of persons for unspecified services, which constitute a traffic that culminates in objective damage in a territory other than the one in which the contract was made and jeopardizes the sovereignty of a third State, peoples' lives, the economy and self-determination.

34. To prevent mercenary activities, States should consider, inter alia, the possibility of revoking the operating licences and permits of entities that have

hired mercenaries to engage in illegal activities, refusing passports and visas to mercenaries and prohibiting them from passing through the territory of other States.

35. Most mercenaries are former members of the regular armed forces of a country and, as such, have taken part in military conflicts. In other words, it is their job to make war and it is for this very reason that their services are sought. From this standpoint, the unemployment they face when they are repatriated and retired from the regular forces, as well as certain personality changes they have undergone as a result of warfare, may contribute to their becoming mercenaries. However, States could keep this dangerous extreme under control by agreeing on a policy of prevention of mercenary activities, involving the exchange of information and the provision of follow-up observation and care for these kinds of people who have developed a tendency towards aggressive behaviour. They could also implement a policy to promote employment and psycho-social care for people with problems resulting from their participation in warfare, and establish a legal framework for the activities of groups of former combatants to prevent them from going to extremes such as glorifying war, fostering intolerance or adopting ideologies which cultivate violence and military interventionism.

36. Certain illicit activities, such as trafficking in drugs, people and arms, smuggling and terrorism, are related to the recruitment of mercenaries. Such acts may occur either in connection with armed conflicts or independently of them. In both cases, it has been found that gangs engaging in these activities require a military component to serve on security missions, to move merchandise, to fly aircraft and, if the need arises, to fight the regular forces that are protecting the sovereignty of the State affected by these illicit acts. States therefore have an interest in preventing bands of mercenaries from assembling or operating within their territory by enacting laws that criminalize mercenary activities and taking legal action to suppress them. Where mercenaries are former members of the armed forces or the police, this should be considered an aggravating circumstance and the penalties should be more severe.

37. Furthermore, with a view to refining the topic, there must be no attempt to justify mercenaries in the media nor any misconceptions regarding this type of human behaviour. A mercenary is neither a hero nor the consummate romantic guerrilla, but a criminal whose acts are associated with the vilest crimes against life. The State and society must become aware of, prevent, punish and morally condemn mercenary activities. At the same time, national legislation must be very harsh on State services such as intelligence or security services, or authorities with repressive proclivities, or private totalitarian-minded associations which, resorting to markets where mercenaries are available, recruit individuals for the purpose of establishing praetorian guards, death squads or operational groups devoted to political repression or to the assassination of political, religious or other adversaries. Unfortunately, such things happen in today's world and are related to the presence of foreign mercenaries.

38. Despite the already complex nature of this phenomenon, situations arise which cannot be classified under the heading of what the present state of international law describes as mercenary activities. There is a tendency to use

the term extremely loosely in ordinary conversation about any adversary who is presumed to indulge in immoral conduct and be partial to ill-gotten gains. An examination of situations involving the right to sovereignty and self-determination reveals the existence of aspects that do not precisely fit the description of mercenary activities, although other factors can be observed, such as criminal behaviour, payment or involvement in a conflict on behalf of a third party. Using a hypothetical example, what is the status of a foreigner who enters a country and acquires its nationality to conceal the fact that he is a mercenary and acts for a third State or the other side in a domestic armed conflict? What steps should be taken against a person of dual nationality, one of which is that of the State against which he is acting, while he is being paid by the State of his other nationality or by a third party? What are the limits of jus sanguinis in an armed conflict when it is invoked by persons who are paid and sent to fight in a domestic or international armed conflict taking place in the country of their forebears?

39. A case-by-case analysis might well bring to light other situations, which in practice would re-open the discussion on the effectiveness of domestic and international instruments intended to prevent, classify and punish criminal acts in which the aggravating circumstance is that they were committed by an agent presumed to be a mercenary.

C. Mercenary activities in Africa

40. The issue of peace and respect for self-determination and human rights in Africa has been raised in the reports received by the Special Rapporteur, who considers it to be closely related to the rationale for his mandate. A number of African countries have suffered from the presence in their territory of mercenaries whose aim was to prevent or somehow modify the exercise of the right of peoples to self-determination, or to interfere by undermining the stability of constitutional Governments in the region.

41. In his reports, the Special Rapporteur has described in detail the situation of various countries which had suffered the extreme cruelty of mercenaries hired by third parties to undermine peace, security and political stability. Such was the case in Angola, Benin, Botswana, the Comoros, Lesotho, Mozambique, Namibia and Zimbabwe. In more than one case, the racist component and support for the apartheid system have been two characteristics of mercenary activities in these countries. For this reason, the Special Rapporteur's reports have also referred to the situation prevailing in South Africa, since it appears that a number of mercenary activities have been linked to efforts to strengthen and maintain apartheid and sponsored by officials of that regime.

42. The situation today, particularly with regard to southern Africa, has since changed substantially. In South Africa, the apartheid regime has been dismantled, and a multiracial, multi-party constitutional system is leading the country towards a consolidated and modern democracy. In Angola and Mozambique, the domestic armed conflicts have come to an end and peace processes initiated which are expected to lead to national reconciliation and lay the foundation for the transition to democracy. Reports of mercenary activities have ceased. The Special Rapporteur, in his most recent report to the Commission on Human

Rights, 1/ expressed his satisfaction at this positive development. In presenting this report to the General Assembly, he reiterated his support for and solidarity with the peace processes in Angola and Mozambique and with the consolidation of the democratic, constitutional regime established in South Africa. In this context, he reiterated the hope that the human rights and self-determination of those peoples might never again be disrupted by the activities of mercenaries.

43. Notwithstanding the progress noted in southern Africa, other regions in Africa continue to suffer from political instability accompanied by armed violence in which the mercenary component has been a constant. This has led the Special Rapporteur to turn his attention to situations such as that of Liberia, where the war has been raging for over five years, resulting in 150,000 mostly civilian deaths, and approximately 1.5 million refugees and displaced persons, and that of Sierra Leone. As is well known, the conflict in Liberia has extended into parts of neighbouring countries, while peace agreements, such as the one signed on 21 December 1994 in Ghana, have not yet fully materialized.

44. The Special Rapporteur also indicated his concern for other countries such as the Sudan and Zaire, where the breakdown in the respective political regimes has prolonged the domestic political violence and given rise to irregular situations, reportedly aggravated in many cases by the presence of mercenaries. As is known, in the case of Zaire, the Government of President Mobutu Sese Seko has resisted all attempts to regularize the political regime constitutionally and lay the foundations, based on consensus, for a democratic transitional period leading to the holding of general, multi-party elections. However, in addition, State security forces, including the Civil Guard, the Special Action Forces, and the National Intelligence and Protection Service, have been denounced on various occasions for the use of violent police methods, contrary to human rights. Many of these acts were carried out by the President's Special Division, formed and trained by foreign mercenaries, some of whom remain linked to that Guard to this day. In the case of the Sudan, the civil war affected the population's basic living conditions, while, in the south of the country, a guerrilla force has maintained resistance to the imposed regime since 1989 and whose intolerance has led it to perpetrate acts of violence against its opponents. The Special Rapporteur cannot remain silent about reports in the international press and complaints he has received personally during his work at the Centre for Human Rights in Geneva pointing to the operation of paramilitary training camps in some parts of the territory of the Sudan and the failure of government authorities to take steps to prevent them. The training is reportedly carried out in these camps by experienced foreign mercenaries, and some of those trainees would not be averse to acts of international terrorism.

45. To sum up, some African countries have continued to be affected in recent years by situations of political instability, almost always accompanied by armed violence. Special attention was devoted to the cases of Burundi and Rwanda, and United Nations missions were dispatched to those countries in view of the extreme gravity of the situation there. Cameroon, Chad, Djibouti, Niger and Togo were mentioned in previous reports of the Special Rapporteur. To these must be added the grave situation in Somalia, where the war between the clans and sub-clans has led to the institutional overthrow of the State; lastly, in Mali, despite the 1992 national peace agreement, clashes continue between

government forces and the Tuareg rebels, especially in the regions of Niafunké and Gao.

46. The above-mentioned conflicts infringe the human rights of the African peoples and impede development activities. The presence of mercenaries, where it is a factor, further increases these peoples' suffering. The international community should give further thought to the background and habitual course of the conflicts in Africa and support African efforts to secure rapid, effective agreements guaranteeing the right to self-determination, fundamental freedoms, democracy and development for all these peoples who, despite the attainment of independence some years ago, are unable to find peace with justice and development, mainly because of violence, foreign interests and armed conflicts.

IV. PRESENCE OF MERCENARIES IN THE TERRITORY OF THE FORMER YUGOSLAVIA

A. Armed conflicts in the former Yugoslavia and the presence of mercenaries

47. Since 1992 the Special Rapporteur has received information and reports concerning the serious consequences of the wars in the territory of the former Yugoslavia for the populations affected by the military confrontation. The content of the reports was similar to that of others reviewed by the Special Rapporteur on the situation of human rights in the former Yugoslavia and by the thematic rapporteurs of the Commission on Human Rights on the right to life and the physical integrity of persons, as well as by other United Nations organs and agencies that are attempting to devise a peaceful, just and lasting solution to the conflict and that are engaged in human rights or humanitarian relief activities.

48. In both the conflict that occurred in the territory of the Republic of Croatia in 1991 and the subsequent conflict in the Republic of Bosnia and Herzegovina, the Special Rapporteur was apprised of such serious incidents as indiscriminate bombardment of cities and civilian areas, murders of non-combatants, throat cuttings, heinous acts of torture, sexual assaults, serious instances of racism, ethnic cleansing operations, destruction of vital services, etc., all of which are in complete contravention of the most basic principles of human coexistence, respect for life and mutual tolerance. None of the armed bands and parties to the conflict can be spared responsibility for having authorized, and permitted, or, at the very least left unpunished, such atrocious crimes committed by individuals under their jurisdiction.

49. What made the Special Rapporteur consider these allegations in his reports was that they refer to foreigners and in particular to mercenaries as participants and principal authors of many of the atrocities committed. In fact the history of the conflicts, the investigations, the information and data provided by survivors, war correspondents, non-governmental organizations, etc., support the view that a significant number of foreigners have participated in the armed conflicts in the former Yugoslavia. With the exception of the recent agreement on military cooperation between the independent States of Croatia and of Bosnia and Herzegovina, there are no bilateral or multilateral agreements

between the countries of the region or with other countries that would explain the active presence of foreigners and members of foreign armies alongside one or all the parties to the conflicts.

50. This observation, plus the alarming information and reports concerning the influx and conduct of foreigners in connection with the armed conflicts, led the Special Rapporteur to deal with the issue repeatedly in his reports, to hold interviews with representatives of Slovenia, Croatia, Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro), and ultimately to travel to Croatia on a working visit from 13 to 18 September 1994 and to the Federal Republic of Yugoslavia (Serbia and Montenegro) for the same purpose from 19 to 23 September 1994. Subsequent to such visits the Special Rapporteur has continued to receive information and correspondence from both countries, enabling him to continue his investigations with a view to clarifying beyond all doubt the status of the foreigners in the former Yugoslavia and of classifying as mercenaries those that actually and manifestly are.

51. The Special Rapporteur outlined his visit in paragraphs 55 to 85 of his report to the Commission on Human Rights at its fifty-first session. 1/ That account records visits to the interior of the territories, the receipt of testimony, meetings with officials and civilians, the handing over of documentation, etc., allowing for a more direct and in-depth approach to the question as well as analysis and comparison of the reports of mercenary activities in the armed conflicts in the former Yugoslavia. Specifically, on the basis of the visit, observations and material received, the Special Rapporteur has requested more convincing documents in proof, and the holding of interviews with direct witnesses of the presence of mercenaries and with surviving victims of their activities, to pursue his clarification of the question. Nevertheless the Special Rapporteur reiterates his stated belief, as it appears at the current stage of his investigation, that a substantial number of the foreigners that have participated in the conflict cannot be classified as mercenaries, but fall into other categories, such as volunteers or nationals, by virtue of the timely and appropriate application under the law of the principle of jus sanguinis. In any event it is clear that a certain number of those who have been active both at the time of the former conflict in Croatian territory as well as subsequently in the territory of Bosnia and Herzegovina could be considered mercenaries, although those making allegations must provide supplementary information as requested by the Special Rapporteur to enable him to submit his final conclusions to the General Assembly.

B. Evaluation of the visits to the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

52. The visits to the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) enabled the Special Rapporteur to achieve some progress in his investigations and to formulate the following preliminary views.

53. The presence of foreigners and alleged mercenaries in the 1991 war in Croatia and in the war in progress in Bosnia and Herzegovina since 1992 coincided with serious violations of international humanitarian law and the

human rights of the peoples affected, and psychological warfare played a fundamental role in the development of the armed conflict. An investigation is, however, needed to ascertain to what extent foreigners and mercenaries were assigned the task of perpetrating the worst kinds of war crimes and atrocities against local populations and whether their share of the responsibility is greater than that of nationals.

54. Foreigners have been involved in circumstances of questionable legality in the armed conflict which took place in Croatia in 1991 and in the current conflict in Bosnia and Herzegovina. This assertion must be qualified, however, by specifying in which cases these foreigners were mercenaries. In accordance with the present state of international law on the subject, persons sent by a State which is not a party to the conflict on official duty as members of its armed forces should not be classified as mercenaries.

55. Similarly foreigners who joined the armed forces of a State as regular and permanent members and received material compensation similar to that promised or paid to combatants of similar ranks and functions in those armed forces, and who are not motivated to take part in the hostilities essentially by the desire for private gain or material compensation, should not be classified as mercenaries. This means that volunteers should be excluded. Only persons motivated essentially by the desire for private gain to take part in hostilities and those who have, in fact, been promised material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of the party to the conflict can be considered to be mercenaries.

56. Only when a person is not a national of a party to the conflict or resident in a territory controlled by a party to the conflict is he a mercenary. Nationals and residents may not be regarded as mercenaries. A mercenary must be a non-resident alien.

57. The conditions that must be satisfied in order to classify a person as a mercenary set out in article 47 of Protocol I of the Geneva Conventions of 1949 and the International Convention against the Recruitment, Use, Financing and Training of Mercenaries are cumulative and concurrent; this means that a person must satisfy all these conditions if he is to be classified as a mercenary. The Special Rapporteur is aware that these points are difficult to prove in practice and make it easy for the mercenary to elude such classification while the party victim of the aggression finds itself deprived of the right of punishment or legitimate reparation.

58. The granting of the nationality of a State after the event, even though based on the jus sanguinis criterion, does not alter a foreigner's status until the actual moment the new nationality is granted.

59. With respect to allegations concerning the presence of mercenaries in Croatia, foreigners who joined the regular Croatian army as normal and permanent members, receiving compensation equal to or less than that promised or paid to combatants of similar ranks and functions in that regular army, should not be classified as mercenaries. They were volunteers and not mercenaries. Mercenaries are persons who fight, motivated by the desire for private gain and, in fact, are promised material compensation substantially in excess of that

promised or paid to combatants of similar ranks and functions. Cases of foreigners who joined international brigades and the relationship between these brigades and the State's system of defence should be the subject of a special investigation. During his visit, the Special Rapporteur was informed by Croatian sources that soldiers of fortune had arrived in the country and had acted in an undesirable manner. In any event, it must be determined whether they received or were promised compensation, the amounts of such compensation and who promised or paid it to them.

60. Lastly, the question of the mujahidin, or Islamic combatants allegedly involved in the armed conflict in the Republic of Bosnia and Herzegovina, needs to be studied. In this case persons sent by States which are not parties to the conflict on official mission as officers or soldiers of their armed forces should be excluded. Foreigners who have joined the armed forces of Bosnia and Herzegovina as regular and permanent members, receiving material compensation equal to or less than that promised or paid to combatants of similar ranks and functions of those armed forces should also be excluded. It must then be decided whether these persons are motivated to take part in the hostilities essentially by the desire for private gain, and in this context, the possibility of religious or cultural motivation analysed.

61. Cases of dual and multiple nationality used simultaneously must also be studied.

62. The Special Rapporteur has brought his observations and request for clarification to the direct attention of the parties concerned so as to determine beyond doubt the presence of mercenaries in the former Yugoslavia as well as their responsibility in the crimes committed in express disregard and contempt for the norms of international humanitarian law. In this context it is of the greatest importance to include in this report the recent communications received from the Government of Croatia and the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) (see the addendum to this document). This document indicates the current state of affairs and the steps taken by the Special Rapporteur to ensure that a matter of the importance and gravity of the active presence of mercenaries in the armed conflicts taking place in the territory of the former Yugoslavia does not go unpunished.

V. CONCLUSIONS

63. The recruitment, use, financing and training of mercenaries to commit acts which violate the right of peoples to self-determination, the sovereignty of States, the constitutional stability of Governments and human rights has been condemned in various international instruments and resolutions of United Nations organs. Moreover, according to data compiled by this Rapporteur, many States have incorporated provisions for the punishment of mercenary activities into their domestic legislation.

64. According to the information compiled, categorised and analysed by the Special Rapporteur, mercenary activities are not confined to the individuals who commit the offence. While the latter are responsible for the execution of the unlawful act, the reality is that behind the recruitment of the mercenary and

the execution of his unlawful act, there is deliberation, planning, organization, financing and supervision involving third parties, who may be private groups, opposition political organizations, groups which preach national, ethnic or religious intolerance, clandestine organizations, paramilitary groups and even Governments which, through covert operations using mercenaries, engage in unlawful acts against another State or against the life, liberty, physical integrity and security of individuals. Responsibility for a mercenary act lies not only with the agent who committed the final phase of the offence but also with all those who individually or collectively participated in the unlawful activity of using mercenaries for the commission of an offence. All of this means that mercenary activity is by its very nature complex. In most cases, it does not originate from nor conclude with the act and responsibility of the individual deemed to be a mercenary. The possibility must always be examined that behind each act there might be concerted action involving public or private agents.

65. It is therefore of the utmost importance for Member States to be vigilant and to incorporate provisions for the control and prohibition of mercenary activities into their domestic legislation in order to prevent organizations which engage in mercenary activities from operating in their territories and, where applicable, to discontinue any intelligence arrangements which, through covert operations, countenance the recruitment of mercenaries by government agents or third parties, by providing severe penalties for such unlawful recruitment.

66. In addition to the general aspects referred to in the previous paragraph, the most common purposes for which mercenaries are recruited are to commit acts of sabotage against a third country; to carry out selective assassinations of eminent persons and to participate in armed conflicts. The conclusion therefore is that a mercenary is a criminal who, without prejudice to the punishment of those who recruited and paid him, must be severely punished, in accordance with the characterization of the offence under ordinary law, where national legislation contains no provision concerning the separate phenomenon of mercenary activity. In all cases, the status of mercenary must be considered an aggravating circumstance.

67. Mercenary activities are the object of universal condemnation, including in those States which have still not specifically characterized such activities as offences. The current stage of the debate concerns the scope and content of the punishable act, but not its criminal nature. Moreover, and without prejudice to the further development of international legal instruments and of the provisions of domestic legislation, Member States should strengthen their own capacity to formulate policies for the prevention, follow-up and punishment of mercenary activities. The aspect of prevention is crucial and should cover such questions as, for example, those relating to the free supply of labour in the recruitment of persons for unspecified activities. This is a very delicate issue which should be examined by each country in accordance with the characteristics of its constitutionally protected economic system. In any case, the presumed contradiction between constitutional and international norms does not exist. If mercenary activity is deemed to be an offence, it cannot be accepted as a manifestation of an open-market transaction.

68. Mercenaries are generally former members of the regular armed forces of a country who have participated in that capacity in military conflicts. In other words, their profession is to fight wars and they are sought after precisely for that reason. Viewed from this perspective, the fact that they become unemployed upon their repatriation and separation from the regular armed forces together with certain alterations in their personality as a result of war may lead them to become mercenaries. The current supply of mercenaries includes persons associated with the military profession whose personal situation has taken a turn for the worse because of reductions in troop strength or the dissolution of the regular armed corps to which they belonged, and to the unpaid debts which they incurred as a result.

69. Given the complexity of the phenomenon, situations exist which are outside the scope of mercenary activity, as currently defined by international law. There is a tendency towards an excessively general use of the term and it is applied in common parlance to any adversary who is presumed to engage in immoral conduct and to be attracted to ill-gotten money. A review of situations in which laws governing sovereignty and self-determination are involved, reveals the existence of elements which do not exactly fit the characterization of mercenary, even though other factors may be present: criminal conduct, pay, involvement in a conflict on behalf of a third party, and so on. Consequently, the characterization of mercenary is appropriate only where all the elements required for that purpose under current international laws are effectively, verifiably and concurrently present.

70. The Special Rapporteur has noted the existence of cases in which recourse is had to legal devices or, more specifically, to normal legal procedures for the purpose of concealing mercenary activity. A mercenary may thus be given the legal identity of a national of the country in whose armed conflict he is involved or in which he is to undertake his criminal mission, thereby avoiding the characterization of mercenary. Although the use of this recourse legally conceals an individual's real status as a mercenary, information such as the origin of the contractual relationship, the payment, the type of services arranged for and the simultaneous use of other nationalities and passports may serve as evidence in establishing the true status of persons who are justifiably suspected of engaging in mercenary activities.

71. Over the last three decades, a number of African countries have suffered from the activities of mercenaries. This is true of Angola, Benin, Botswana, the Comoros, Lesotho, Liberia, Mozambique, Namibia, Sudan, Zaire, Zambia, Zimbabwe, and others. In some cases, including outside of the region of southern Africa, attacks by mercenaries took place in response to the policy of apartheid which originated in South Africa but whose ramifications and criminal activities extended to other parts of Africa and even to places outside the continent. In most of these countries, it has been possible to put an end to armed conflicts, thereby paving the way for national reconciliation, peace and the transition to democracy, which, in turn, have brought an end to complaints about mercenary activities. Moreover, the democratic, multiracial and multi-party regime installed in South Africa is being consolidated, thus opening the door to a period of cooperation among the countries of southern Africa. All of this confirms that mercenary activities in that region were linked to the maintenance of the apartheid regime and to the continuation of armed conflicts.

In Liberia, Sudan and Zaire, however, where tensions and political struggles continue to provoke violence, reports continue to be received about mercenary activities.

72. The Special Rapporteur attaches great importance to the visits which he paid to the Republic of Croatia and to the Federal Republic of Yugoslavia (Serbia and Montenegro) in September 1994, in fulfilment of his mandate. However, as of the completion of this report, the delivery of a portion of the documentation offered by the Croatian authorities and by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) is still being awaited. While the Special Rapporteur therefore considers that he is not in possession of all the elements necessary to permit him to reach final conclusions, he nevertheless wishes to offer the following views as a working hypothesis.

73. With regard to complaints about the presence of mercenaries in Croatia, it would be necessary to exclude from this characterization foreigners who enlisted as regular and permanent members of the regular Croatian army and who receive pay that is less than or equal to that promised or paid to combatants of similar rank and functions in the regular armed forces of that country. Such persons should be considered volunteers, not mercenaries. A mercenary is a person who is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised material compensation substantially in excess of that promised or paid to combatants of similar rank and functions. Special consideration must be given to the case of foreigners who have enlisted in international brigades and the relationship between these brigades and the defence system of the State. It is necessary to ascertain whether they received or were promised remuneration, the amount of such remuneration and by whom it was promised or paid.

74. Account must also be taken of the issue of the mujahidin, or Islamic fighters who are alleged to be participating in the armed conflict taking place in the Republic of Bosnia and Herzegovina. In this case, an exception should be made for persons, such as officers or troops of the armed forces, who have been sent on official mission by States which are not parties to the armed conflict. Exception should also be made for foreigners who have enlisted as regular and permanent members of the armed forces of Bosnia and Herzegovina and who receive material compensation that is equal to or less than that promised or paid to combatants of similar rank and functions in the armed forces of that country. It must then be ascertained whether such persons are motivated to take part in the hostilities essentially by the desire for private gain and, in that context, the possibility that they might be motivated by religious or cultural factors must be considered. The factor of nationality, however, must always be taken into account.

75. As regards the current status of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, the Special Rapporteur must report that to date only 8 States have completed the formalities required to become party to the Convention (Barbados, Cyprus, Georgia, Maldives, Seychelles, Suriname, Togo and Ukraine), while 13 others have signed it. Member States have thus been slow to indicate through ratification or accession their willingness to be bound by the Convention, which can enter into force only after 22 States have ratified or acceded to it.

VI. RECOMMENDATIONS

76. The Special Rapporteur, taking into account the United Nations declarations and resolutions condemning the activities of mercenaries as serious crimes which give all States cause for profound concern, recommends to the General Assembly that it should reaffirm its condemnation of mercenary activities of any type or form and at any level, and of States or third parties involved in them. He further stresses the need to strengthen the principles of the sovereignty, equality and independence of States, the self-determination of peoples, full respect for and enjoyment of human rights and the stability of constitutionally established and lawfully functioning Governments.

77. Bearing in mind that mercenary activities take place chiefly, but not exclusively, in the context of armed conflict, it is recommended that the General Assembly should stress that the use of mercenaries in itself and their use for unlawful activities are to be condemned, both in cases where such activities are carried out by one or all parties to an armed conflict and in cases where there is no armed conflict, and mercenaries are resorted to for purposes of impeding the self-determination of a people, damaging a country's installations, destabilizing the constitutional Government of a State or endangering the life, safety and human rights of its inhabitants.

78. Bearing in mind the nature, forms, contractual relationships and specific characteristics of mercenary activities, the Special Rapporteur suggests that the resolution condemning such activities should include a recommendation that Member States should establish, in their domestic legislation, an explicit prohibition to prevent organizations linked to mercenaries from operating in their territory and from engaging in any contractual activity relating to mercenaries or any propaganda, public promotional activity or justification on behalf of mercenaries. States should also prohibit their public authorities from resorting to mercenary activities, and counter any intelligence or security machinery which, through covert operations, uses mercenaries or does so through third organizations.

79. Given the oversupply of career military personnel who have lost their jobs as a result of cut-backs in the armed forces in many countries, and the possibility that they may become mercenaries, it is recommended that Member States should establish policies for the prevention of mercenary activities, involving the exchange of information and the provision of follow-up attention and care for these kinds of people who have developed a tendency towards aggressive behaviour. They could also implement a policy to promote employment and psycho-social care for people with problems resulting from their participation in warfare, and establish a legal framework for the activities of groups of former combatants to prevent them from going to extremes such as glorifying war, fostering intolerance or adopting ideologies which cultivate violence and military interventionism. States have an interest in preventing bands of mercenaries from assembling or operating within their territory, in enacting laws that criminalize mercenary activities and in taking legal action to suppress such activities. Where mercenaries are former members of the armed forces or the police, this should be considered an aggravating circumstance and the penalties should be more severe.

80. The prevention aspect is fundamental and should include such matters as, for example, the use of the open labour market in recruiting persons for unspecified activities. This topic should be examined by each country in accordance with the nature of its constitutionally protected economic system. If mercenary activities are considered a crime, it cannot be argued that it is permissible to use the open market to recruit mercenaries. Likewise, States have the capacity to prevent their territory from being used for the training, assembly or transit of mercenaries and to ensure that their financial and economic systems cannot be used to facilitate operations linked to such illicit activities.

81. There must be no attempt to justify mercenaries in the media nor any misconceptions regarding this type of criminal behaviour. National legislation should be very harsh on State services, such as intelligence or security services, or authorities with repressive proclivities or private totalitarian-minded associations which, resorting to markets where mercenaries are available, recruit individuals for the purpose of establishing praetorian guards, death squads or operational groups devoted to political repression or the assassination of political or religious adversaries.

82. States should enact measures such as the revocation of the operating licences and permits of entities that have hired or recruited mercenaries to carry out illicit activities, the refusal to grant passports or visas to mercenaries and the prohibition of their transit through national territory.

83. Bearing in mind that the elimination of the apartheid regime in South Africa and the installation of a democratic and multiracial regime in that country may favour the reduction of mercenary activities in Africa, it is recommended that all persons of foreign nationality who have served as mercenaries in armed conflicts or in support of apartheid, whether or not they have served sentences, should be expelled from African countries. At the same time, nationals who have participated in mercenary activities should be liable to provisions in the respective legal system of each country which establish penalties of the greatest severity for recidivism. It is also recommended that organizations which advocate violence should be legally dissolved and disarmed, the mercenaries in their service expelled and any offences investigated and penalized to ensure that these acts do not go unpunished.

84. The Special Rapporteur recommends that the authorities of the States which have emerged in the territory of the former Yugoslavia and are affected by armed conflicts should be asked to keep a detailed record of aliens entering their countries, particularly of those taking part in the hostilities. Indeed, it should be borne in mind that the presence of aliens in an irregular situation is a factor that has contributed to the escalation of the conflict, its complexity and the perpetration of cruel acts and violations of human rights which have mainly affected the civilian population.

85. It is recommended that the record should make a distinction between the following: (a) aliens who have been sent on official mission as members of their armed forces by States which are not parties to the conflict; (b) aliens of national origin who have joined the armed forces and who have been promised or paid material compensation similar to or less than that promised or paid to

combatants of equal ranks and functions in those armed forces; (c) aliens who are motivated to take part in the hostilities essentially by the desire for private gain, who have been specially recruited to fight and, in fact, have been promised material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions. In this last case, it is recommended that the competent authorities should conduct more detailed investigations of the entities or persons that recruit, train and pay these persons or may have done so in the past, and immediately arrest those falling into category (c) above, and either expel them from the country or prosecute them if they have committed acts which are considered offences under the law.

86. Lastly, with regard to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, the Special Rapporteur recommends that the General Assembly should suggest to those States which have not yet ratified or acceded to it that they consider the advisability of speeding up this process, which will hasten its entry into force; this will promote more effective action by the international community for the prevention, prosecution and punishment of mercenary activities and contribute to the fulfilment of the purposes and principles enshrined in the Charter of the United Nations.

Notes

1/ E/CN.4/1995/29.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/50/390/Add.1
29 August 1995
ENGLISH
ORIGINAL: ENGLISH/FRENCH/
SPANISH

Fiftieth session
Item 106 of the provisional agenda*

RIGHT OF PEOPLES TO SELF-DETERMINATION

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Note by the Secretary-General

Addendum

The Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries has received a letter from the Deputy Minister for Foreign Affairs of the Republic of Armenia dated 21 December 1994; a letter from the Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Croatia dated 30 June 1995, and a letter from the Permanent Mission of the Federal Republic of Yugoslavia (Serbia and Montenegro) to the United Nations Office at Geneva dated 14 July 1995. These documents are reproduced as annexes to this report.

* A/50/150.

95-26494 (E) 220995 250995 270995

ANNEX I

Letter dated 21 December 1994 from the Deputy Minister for Foreign Affairs of the Republic of Armenia addressed to the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries

"The Government of the Republic of Armenia has received your communication requesting the Republic of Armenia's position on the use of mercenaries in the conflict between Nagorny Karabakh and Azerbaijan.

The Government of the Republic of Armenia is aware of the considerable importance of prohibiting the use of mercenaries in armed conflicts and fully supports General Assembly resolutions 2395 (XXIII) of 29 November 1968; 2465 (XXIII) of 20 December 1968; 2548 (XXIV) of 11 December 1969; 2708 (XXV) of 14 December 1970 and 3103 (XXVIII) of 12 December 1973, as well as Security Council resolutions 405 (1977) of 14 April 1977; 419 (1977) of 24 November 1977; 496 (1981) of 15 December 1981 and 507 (1982) of 28 May 1982 in which the United Nations denounces the practice of using mercenaries. In addition, the Government of the Republic of Armenia is examining the possibility of ratifying the International Convention against the Recruitment, Use, Financing and Training of Mercenaries.

Like the great majority of the international community, the Republic of Armenia considers that the use of mercenaries in armed conflicts is contrary to the fundamental principles of international law, namely the principle of equality of States and the principles of territorial integrity and political independence, and seriously jeopardizes the realization of the principle of self-determination.

Unfortunately, the principles of international law are often violated by States that wish to dominate other peoples or States. The Nagorny Karabakh region is an area where the fundamental principles of international law have frequently been and continue to be ignored by the Azerbaijani Republic. The use of mercenaries is part of a long list of principles that have been violated by Azerbaijan.

We hereby wish to submit information to you concerning the use of mercenaries in the Nagorny Karabakh conflict in order to give you an unbiased and objective picture of the situation.

The Nagorny Karabakh conflict, in which the principal parties are Nagorny Karabakh and Azerbaijan, has been going on for six years and has claimed the lives of several hundred persons. The conflict began after the Armenian majority in the Nagorny Karabakh Autonomous Region, using the legal machinery provided under the Constitution of the former USSR, expressed their desire for independence through a popular referendum with a view to fully exercising their civil, economic, political and cultural rights. The Azerbaijani authorities chose to settle this conflict of self-determination militarily, confident as they were of their numerical superiority (the population of Azerbaijan being approximately 7 million and that of Nagorny Karabakh being 150,000).

Parallel to the conflict in Nagorny Karabakh, Azerbaijan attempted to involve the Republic of Armenia by bombing its border regions and circulating dubious claims of aggression perpetrated by the Republic of Armenia against the Azerbaijani Republic, and of the use of mercenaries in the pay of either the Armenian Government or the diaspora. Resolutions of the Security Council and decisions of the Conference on Security and Cooperation in Europe (CSCE) have proved that Armenia is not one of the principal parties to the conflict. This information was put about mainly in an attempt to conceal the systematic use of mercenaries by the Azerbaijani Republic, which, realizing that the Nagorny Karabakh Self-Defence Forces might win, decided to hire mercenaries from the Commonwealth of Independent States (CIS), Turkey and Afghanistan.

These mercenaries and soldiers of the armed forces of the Azerbaijani Republic have committed atrocities and crimes which fall into the category of crimes against humanity, but we believe that it is more appropriate to focus on the use of mercenaries.

1. The alleged use of mercenaries by the authorities in Nagorny Karabakh

The term 'mercenary' is defined in article 47 of Additional Protocol I of the Geneva Conventions of 12 August 1949. According to this article, a mercenary is an individual recruited to fight in an armed conflict; he is directly involved in that conflict; his motives are primarily financial and the material compensation which he receives is greater than that of combatants of the same rank from one of the parties to the conflict; he is neither a national of one of the parties to the conflict, nor is he resident in the territory controlled by the members of the armed forces of one of the parties to the conflict; finally, he has not been sent by a third State as a member of its armed forces.

According to this definition, the majority of combatants referred to in the letter from the Government of the Azerbaijani Republic do not fall within the category of mercenaries. Armenians throughout the world are not indifferent to the sufferings of their compatriots and some have even taken up arms in order to fight voluntarily alongside the Nagorny Karabakh Self-Defence Forces. They cannot be considered mercenaries for the following reasons:

- They have not been recruited by the authorities in Nagorny Karabakh or indeed by any authority; they came to fight of their own free will;

- Their motives are purely patriotic rather than financial;

- They are ethnic Armenians like the population of Nagorny Karabakh.

By listing the nationalities of these individuals instead of mentioning their ethnic origin, the Azerbaijani authorities are attempting to portray them as mercenaries.

2. The use of mercenaries by the Azerbaijani Republic

Mercenaries have been used by the armed forces of the Azerbaijani Republic since 1991. These mercenaries fall into two categories, those originating from CIS States and those from other States.

Mercenaries originating from CIS States have been incorporated into the Azerbaijani armed forces in special units comprised of foreign nationals. Russians have frequently been recruited by the Russian military recruitment services and dispatched to Baku. They are paid approximately 500,000 roubles, half of which is payable in dollars. These mercenaries arrived in Baku in several batches on different dates: a group of 70 arrived in 1992 and a group of 150 arrived in 1993. However, it is fairly difficult to determine the exact number since some of them have returned home, deserted or been killed.

Regarding nationals of other States serving as mercenaries in Azerbaijan, they are mainly from the Islamic Republic of Iran, Turkey and Afghanistan. They are paid between $700 and $1,000 a month depending on their area of expertise. Military pilots are paid $5,000 for each successful sortie.

The mercenaries are stationed in different military units in the following regions:

- Djitanov Region, village of Tolipar;
- Shamkhor Region, settlement of Selful;
- Between Kucho and Mingechaur Regions;
- The town of Ali-Bayram.

The mercenaries are mainly serving in:

- The 860th and 723rd motorized brigades;
- The air force;
- The artillery;
- The secret services.

The Afghan mujahidin are the most heavily involved in the conflict in Nagorny Karabakh. Having engaged the armed forces of the former USSR in Afghanistan, they are best trained to fight against combatants from the former USSR. They are thought to number 3,000, are fairly well organized and carry out special tasks including punitive operations against Azerbaijani combatants who have deserted the front lines.

Since 1991, 12 mercenaries have been captured in the Nagorny Karabakh region, the Republic of Armenia and the Azerbaijani Republic, namely:

- Oleg Aleksei Bilibengo, Ukrainian national;

- Aleksei Dimitri Suslo, Ukrainian national;
- Kamzad Murat oglu Beldurov, Russian national, originally from Chechnya;
- Movla Movladi oglu Abasov, Russian national, originally from Chechnya;
- Egor Dimitri Ivanov, Russian national;
- Anatoli Giorgi Chistyagov, Latvian national;
- Yuri Viktor Belichenko, Ukrainian national;
- Marat Ichgnei Ichgneiev, Kyrgyz national;
- Sergey Aleksandr Shanukhin, Russian national;
- Bakhtiar Verbole Baberzai, Afghan national;
- Yumak Atilla Hamdioglu, Turkish national;
- Amir Ibrahimli Buluk Abat, Iranian national.

More detailed information about these mercenaries is included at the end of this communication.

In addition to these mercenaries, Western diplomats based in Baku have repeatedly reported the presence of officers from the United States of America and Turkey who have been recruited to train Azerbaijani military forces. While the former are often paid by American oil companies, the Turkish officers are recruited in Turkey and paid for by Turkey or Azerbaijan. In accordance with the definition used in international humanitarian law, these individuals are not directly involved in the conflict and cannot be considered mercenaries. However, they satisfy all the other criteria and in modern-day conflicts, where technology enables damage to be inflicted from a much greater distance, it is fairly difficult to define 'involvement in conflicts'. Thus, in some cases, even these training officers could be considered mercenaries.

The use of mercenaries by the Azerbaijani Republic has also been reported in a number of newspaper articles. Some of these are worth mentioning:

- The Washington Post of 12 March 1994 notes that '1,000 Afghans have passed their first test in the Zangelan offensive near the Iranian border';

- The Washington Post of 20 April 1994 describes the Azerbaijani army as including mercenaries from Afghanistan, Iran, the United States, Russia and Turkey. The Baku-based journalist who wrote the article states that, according to Western diplomats, the republic had hired 1,000 Afghan mujahidin in 1993. In addition, Turkey and Iran were reportedly providing Baku with military training personnel, not forgetting the 200 Russian army officers who taught the Azerbaijanis basic combat methods in the north-west of Barda in November 1992;

- In an article in the Spring 1994 issue of Covert Action Quarterly, A. Rowell analyses the involvement of foreign citizens in the Azerbaijani armed forces. After mentioning that American and Iranian nationals have been paid by oil companies to train Azerbaijani soldiers, he reports the arrival from Afghanistan of approximately 1,000 mujahidin, who often stayed at the 'Azerbaijan' hotel. According to Western diplomats based in Baku, they apparently saw action for the first time in October 1993 when the Nagorny Karabakh Armenians occupied 100 kilometres of Azerbaijani territory along the Azerbaijani-Iranian border. The article concludes with a reference to the involvement of Turkish officers as training personnel in military camps near Gyanja;

- The weekly news magazine Ikibin Dogru reports in its issue of 20 December 1992 that the adjutant-general of the Turkish armed forces was recruiting Turkish officers to reinforce the Azerbaijani army. The article, by H. Cicek, reports that officers are allegedly paid $7,500 a month out of a secret fund administered by the adjutant-general of the Turkish armed forces;

- In its 4 January 1994 issue, the Russian newspaper Nezavisimaya Gazeta notes the violent clashes that occurred during the final days of 1993. It confirms the use of mercenaries from neighbouring States and refers above all to the involvement of Afghan mercenaries in these clashes. The dispatch of these mercenaries was apparently negotiated during the visit of the Azerbaijani Deputy Minister of Internal Affairs to Kabul. The Deputy Minister is reported to have brought the first 200 mercenaries with him to Baku in his private aircraft. They belonged to the forces of the Prime Minister of Afghanistan, Mr. Hekmatyar, and were paid by Saudi Arabia. Experts believe that the reasons for their involvement were purely financial.

- In its issue of 24 February 1994, the Russian daily Izvestiya reports that Russian mercenaries are serving in the Azerbaijani army. According to this article, the military recruitment services in Tula, Kaluga, Ivanovo, Tambov and Vladimir launched an active recruitment drive as a result of which approximately 150 Russian mercenaries arrived in Baku at the end of 1993. These mercenaries allegedly received 500,000 roubles a month, half of which was paid in dollars. Most of the soldiers believed they were going to serve in the Russian army. The article devotes considerable coverage to interviews with Russian soldiers who had been recruited in this manner by the military recruitment services. These soldiers testify that they arrived in Baku on 20 December 1992 aboard an Air Azerbaijan Tu-154. Some of them escaped and some returned home, but several of them were killed and, in some cases, their bodies were never found. The journalist notes that this group of mercenaries was neither the first nor the last, since the arrival of recruits from the Russian Federation continued after that date;

- As a follow-up to its article of 24 February, and in the light of an inquiry launched by the Russian Federal Counter-Intelligence Service in the meantime, another article which appeared in Izvestiya on 24 November 1994 revisited the topic of the Azerbaijani army's employment of Russian mercenaries. The article reports that the Federal Counter-Intelligence Service interrogated a number of individuals who had taken part in the Nagorny Karabakh conflict and had even discovered two persons whom the Azerbaijani authorities had requested

to kidnap Armenian officers holidaying in the Russian Federation. Aleksandr Mikhaylov, an official in the Counter-Intelligence Service, confirmed to the journalist that the findings of the investigation had been sent to the Procurator of the Russian Federation. The Procurator initiated 19 criminal proceedings on the basis of this investigation, but all charges were dropped owing to lack of evidence. The Procurator recognizes, however, that Azerbaijan is using Russian mercenaries with the complicity of the Russian military recruitment services. In the wake of this investigation, a draft law has been submitted to the Russian Duma with a view to including an article on the use of mercenaries in the Penal Code of the Russian Federation.

This information clearly shows that the Azerbaijani Republic is using the services of mercenaries in order to impose its desire to dominate the territory and people of Nagorny Karabakh. We therefore request that you take account of this information in the preparation of your report on the use of mercenaries in armed conflicts.

Below is a list of mercenaries captured in and around the Nagorny Karabakh region:

(1) Oleg Aleksey Bilibengo, born in 1963 in Ukraine. Address: 10 Bargamingo Street, Vladivostok. Secondary education. Served in the Azerbaijani special operations forces from May 1992. Captured at Agdam.

(2) Aleksey Dimitri Suslo, born in 1976 in Ukraine. Address: 24 Belisgo Street, Kiev. Served in the Azerbaijani special operations forces from May 1992. Captured at Agdam.

(3) Anatoli Georgi Chistyagov, born in 1955 in Russia. Address: 32/31 24th Street, Taoukavsi, Latvia. Higher education, pilot. Served in the Azerbaijani air force as a member of the Gultamir battalion. He was wounded and captured on 15 January 1992 in the vicinity of Vank-Sulgarent. Died in October 1992.

(4) Yuri Viktor Belichenko, born in 1966 in Ukraine. Address: 66/34 Brimarsghe Street, Znamensk. Higher education, pilot. Served in the Azerbaijani air force from 1978 in the 'Nasosny' forces near Sumgait. He was wounded and captured on 20 August 1992 in the Mardakert area.

(5) Marat Ichgnei Ichgneiev, born in 1949 in Kyrgyzstan. Address: 48 Batovai Street, Bishkek. Higher education, pilot. Served from September 1993 in the 'Talyar' battalion. Captured in the Omar mountains on 17 February 1994.

(6) Sergei Aleksandr Shanukhin, born in 1967 in Russia. Address: 9/8 Bleganov Street, Heuz village, Krasnodar Territory. Secondary technical education. Served in the 170th battalion of the Azerbaijani armed forces in Shamkhor from February 1994. Captured in April 1994 in the village of Kuludjhan in the Agdam area.

(7) Bakhtiar Verbole Baberzai, born in 1974 in Afghanistan. Address: Mouzari Sherif village, Afghanistan. Served as an officer in the Azerbaijani armed forces from April 1994. Captured on 20 April 1994.

(8) Humag Atilla Hamdioglu, born in 1959 in Turkey. Address: Mez-Burunkugh village, Kayseri, Turkey. Secondary education. Served in the Azerbaijani armed forces in the Kubatly area. From 1993 worked as a military adviser. Captured in Kubatly on 20 August 1993. Freed in September 1993 and returned to Turkey.

(9) Amir Ibrahimli Buluk Abat, born in 1970 in the Islamic Republic of Iran. Address: 33 Montazeri Avenue, Urmia, Iran. Secondary education. Served in the 701st battalion of the Azerbaijani armed forces in Baku. Captured in February 1994 in the village of Hanchag, Kelbajar region. Freed in July 1994 and returned to Iran.

(10) Movla Movladi oglu Abasov, born in 1957 in Chechnya. Address: Ozhelga village, Gudermes region, Chechnya. Served in the Azerbaijani armed forces from 1992. Captured in June 1992 at Stepanakert. Freed and returned to Chechnya on 30 October 1992.

(11) Hamza Murat oglu Bedurov, born in 1963 in Chechnya. Address: 27 Lermontov Street, Sermontov. Served in the Azerbaijani armed forces from 1992. Captured in July 1992 in the vicinity of Ijevan. Freed and returned to Chechnya on 30 October 1992.

(12) Egor Dimitri Ivanov, born in 1964 in Russia. Address unknown. Recruited into the Azerbaijani armed forces directly from prison. Captured near Kafan on 17 August 1992. Freed and returned to Russia on 30 October 1992.

(Signed) Vartan OSKANYAN
Deputy Minister"

ANNEX II

Letter dated 30 June 1995 from the Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Croatia addressed to the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries

"Like the previous information available to us, the most recent also indicates that in the temporarily occupied territories of Croatia, particularly those bordering on the so-called Federal Republic of Yugoslavia (FRY) and the Republic of Bosnia and Herzegovina, there are constantly a certain number of foreigners who perform services for the occupying authorities against remuneration.

Beside mercenaries from several Eastern Bloc countries, particularly Russia, Bulgaria and Romania, armed paramilitary groups from the Republic of Serbia have been coming to these territories as a sort of voluntary force.

These paramilitary groups are the ones who are the most extreme in the ethnic cleansing of the remaining non-Serbian population and the devastation of the cultural and historic heritage of the Croatian and other non-Serbian populations in the region.

The organized groups of mercenaries have established an organized system of plundering economic and natural resources in these territories, which are either taken to the Republic of Serbia or used for maintaining the authority of the political, military and police apparatus of the self-proclaimed state, the so-called Republic of Serbian Krajina.

Direct involvement of the authorities of Serbia in the activities of the paramilitary groups and their support to the local occupying authorities in Croatia have been clearly shown during the liberation of Western Slavonia and the establishment of the State and legal sovereignty of the Republic of Croatia in this area.

They are also shown by the fact that nearly all the commanding officers in the formerly occupied part of Croatia were members of the so-called Yugoslav National Army (JNA), which paid them.

The presence of voluntary units and mercenaries from the so-called FRY in the territory of the Republic of Croatia was recorded as early as the beginning of the aggression against Croatia in 1991.

The most numerous category of mercenaries registered are career officers of the army of the so-called FRY, as well as officers of the former JNA, who are in commanding positions in the so-called army of the Republic of Serbian Krajina (RSK). Their functions range from the commander of the so-called army of the Republic of Serbian Krajina to the commander of the so-called corps and brigades. Generally, they have a command and coordination function in the army of Serbian Krajina. This group of officers claims to be from the temporarily

occupied territories of the Republic of Croatia, which are controlled by the Serbian paramilitary units, and is on the payroll of the so-called army of Yugoslavia. According to the information available, around 700 persons (career officers of the so-called army of FRY and former officers of the so-called JNA) are engaged in the temporarily occupied territories of the Republic of Croatia with mercenary status. The majority of these persons are nationals of the so-called FRY (Serbia and Montenegro). The following persons are the most important among those who are on the payroll of the army of Yugoslavia and who are periodically sent to the battlefields in the Republic of Croatia as personnel of the army of the Republic of Serbian Krajina:

1. Mile Mrksic, lieutenant-general, now a commander of the so-called army of the Republic of Serbian Krajina, was formerly assistant chief of the so-called General Staff of the army of FRY.

2. Mirko Bjelanovic, major-general, assistant commander of the so-called army of the Republic of Serbian Krajina.

3. Ljubomir Domazetovic, general, special adviser to the commander-in-chief of the so-called army of the Republic of Serbian Krajina.

4. Mile Novakovic, major-general, assistant commander and adviser to the so-called President of the Republic of Serbian Krajina, Milan Martic.

5. Boro Poznanovic, colonel, commander of the so-called 7th North Dalmatian corps.

6. Stevo Sevo, colonel, commander of the so-called 15th Lika corps.

7. Veljko Bosanac, colonel, commander of the so-called 21st corps.

8. Dusan Loncar, major-general, commander of the so-called 11th East Slavonic corps.

9. Branislav Kusljic, lieutenant-commander, former commander of 'Alfa Centre', currently occupying a position in the Federal Secretariat for National Defence in Belgrade.

10. Jovica Gazibara, career officer of the so-called navy of Yugoslavia, commander of 'Alfa Centre'.

Career officers of the so-called army of Yugoslavia in the headquarters of the former so-called 18th corps were the commander of the corps, Colonel Lazo Babic; his deputy, Colonel Milan Romanic; civilian sector officer, Colonel Slobodan Peric; security officer Lieutenant-Colonel Borislav Stijak and many others. All career officers of the so-called army of Yugoslavia within the so-called 18th corps were on the payroll of the so-called General Staff of the army of Yugoslavia in Belgrade. An irrefutable proof of this are documents found during the liberation of Western Slavonia by the police and military forces of the Republic of Croatia. Written and other documentation has been found which confirm the direct link between the so-called army of Yugoslavia and the so-called 18th corps of the army of Serbian Krajina. Some documents show

the presence in the so-called 18th corps of the army of Serbian Krajina of 261 military persons from the Banja Luka Armoured Unit, who did not have permanent residence in the Republic of Croatia but were sent to the said area from Bosnia and Herzegovina.

After the action 'Blitz', the arrival of a large number of Cossacks, headed by Colonel Ataman Georgievich from the Republic of Moldova, was recorded in Eastern Slavonia, linked to the raising of the shaken morale. In this area there are also two Russian officers, who were United Nations Protection Force (UNPROFOR) commanders in the former Sector East, i.e. Colonel Vladimir Loginov and Aleksandar Chromchenko. Is has been confirmed that Loginov, after his release from duty in UNPROFOR, remained in Vukovar and became a military adviser to the so-called army of the Republic of Serbian Krajina for training and planning of armed operations.

In this area the presence of a certain number of foreign mercenaries from Russia, Bulgaria and Romania was recorded. It has been established that several persons of Russian nationality were deployed in Mirkovci, where they were paid travel expenses and remuneration for military service and promised land in this area.

The presence of the so-called party paramilitary formations from the so-called FRY was recorded, i.e. 'Beli orlovi', 'Tigrovi', 'Pantere', 'Crna Legija', etc.

Zeljko Raznatovic Arkan, a mercenary and war criminal with extensive media coverage, and his paramilitary troops, the 'Tigers', took part in the Serb aggression against Croatia from the very first day. The headquarters of his troops is in the occupied town of Erdut, where they also have their training camp. Some information indicates that a certain number of 'Tigers' are in fact a professional group of commandos of the so-called army of Yugoslavia.

Paramilitary troops numbering some 220 men and calling themselves 'Super Tigers' have recently arrived in Eastern Slavonia and are partly stationed in Erdut.

One of the camps where the presence of foreign mercenaries has also been recorded is the so-called Alfa Centre near the village of Bruska in the former municipality of Benkovac. The camp is specially set up for sabotage and terrorism and sudden attacks on the rear lines of the Croatian army. It was established and led for some time by Dragan Vasiljkovic, alias Danijel Sneden, called Captain Dragan, citizen of FRY and Australia (former officer of the Australian army for special assignments). According to the available information, five citizens of the Republic of Ireland who were in the camp in the capacity of instructors had made friends with Vasiljkovic in Australia. Officers of the so-called army of Yugoslavia, mostly members of the rapid reaction paratroopers from Nis, also serve as military instructors. For a long time, the camp was led by Captain Dragan's deputy, Tihomir Mraovic, a captain in the so-called army of Yugoslavia, who himself is a paratrooper from Nis. We have information that the Second Department of the Federal Secretariat for National Defence (FSND) directly makes personnel changes at Alfa Centre in that it brings in officers of the army of the so-called FRY, who in turn report to

the Second Department of the FSND. This is corroborated by the fact that Alfa Centre can only be reached by telephone through the FSND operator, No. 011/665-122.

The underwater training of commandos from Alfa Centre takes place in the naval base of the so-called army of Yugoslavia in Tivat, where groups consisting of 10-15 people go. At present, the commander of the camp is Jovica Gazibara, naval officer of the so-called army of Yugoslavia.

Besides providing commanding officers and military experts, the army of the so-called FRY also has other ways of assisting in the formation of the so-called army of RSK. Recruits from the so-called RSK are sent for their military training, which lasts for three to six months, in the so-called FRY, in the 'Avala' barracks at Bubanj potok, VP 6653/8 Ruma, VP 4554/10 Vrsac, Obrenovac and Sombor (where they are trained to command armoured units). At the Centre for Specialization school at Banjica in Belgrade personnel are trained and assigned to the units of the so-called army of RSK when needed. In the course of the mobilization in the so-called RSK in November 1994, military equipment for 2,000 men came from Belgrade.

Besides assisting the army of the so-called RSK, FRY continuously assists the development of the Ministry of the Interior of RSK. In mid-1993, following the communications instructions, a free telephone line was established between the Minister of the Interior of Serbia and Nikola Rastovic, the so-called Assistant Minister of RSK. The technical part was done by a team of the Serbian Ministry of the Interior. Also, some 20 policemen from the so-called Ministry of the Interior of RSK were sent to the Security Institute of the Serbian Ministry of the Interior; they were received by the deputy head of the Institute, Dusko Lakcevic.

The State Security Service of Serbia engaged in organizing and sending volunteer units from Serbia to the so-called RSK. In this connection, we mention that Dejan Lucic, member of the State Security Service of Serbia, had brought Captain Dragan to Knin and introduced him to the then self-styled Minister of the Interior of RSK, Milan Martic.

Please find enclosed photocopies of some documents found with the Serb paramilitary troops during the liberation of Western Slavonia, from which the direct connection between the so-called army of Yugoslavia and the so-called 18th corps of the army of RSK can clearly be seen.

ENCLOSED:

1. Dragan Popovic (order No. 7-160, commander of the so-called 18th corps, of 20 March 1994).

2. Borislav Stijak (order No. 15-142, commander of the so-called 18th corps, of 6 April 1993, and order No. 14-205, commander of the so-called 18th corps, of 25 November 1993).

3. Zarko Novakovic (headquarters, 91st anti-armour brigade, top secret No. 1-90/93 of 10 March 1993 - schedule of family visits for officers of the army of Yugoslavia temporarily deployed at the 91st AAB).

4. Petar Miljevic (headquarters, 18th corps, top secret No. 20273 of 19 September 1994 - 'A group of military members, volunteers from the FRY, have been discovered in the 7th corps ...').

5. Dorde Meandzija (VP 3040, secret No. 243-1 of 7 September 1994, Radovici, Tivat, extraordinary promotion and evaluation of the above-mentioned person during his temporary work with the 'Serb army of RSK').

6. Milenko Dimic (VP 4001, Belgrade, classified No. 7-135 of 31 March 1994, decision on the working conditions compensation - stationed at VP 4001 Belgrade - serving at VP 9167 Rajic).

7. List of professional soldiers with citizenship of Serbia - 'FRY' and list of officers who applied for citizenship of Serbia - 'FRY' - VP 9172 Okucani.

8. List of military personnel from the so-called Yugoslavia to take leave, headquarters of the 18th motorized artillery regiment.

9. List of military personnel from the Banja Luka 'armoured unit' within the 18th corps of the army of Serbian Krajina of 20 April 1995.

10. Dragan Vukadinovic (general staff of the army of Yugoslavia, reinforcement, mobilization and system matters sector, personnel department, classified No. 14/14-227 of 27 June 1994 - decision on the double duration of the working period, the above-named having been stationed at VP 4001 Belgrade and serving in VP 9174 Stara Gradiska).

Further to the point, it is important to notice that the Government of the Republic of Croatia also has knowledge of the use of mercenaries in the military units of the 'army of the Republic of Srpska', whose nationality is other than that of the States formerly belonging to the Socialist Federal Republic of Yugoslavia (SFRY).

In the beginning of 1994, near the village of Gomolje (Federation of Bosnia and Herzegovina), Aleksandar Skrabov, member of the marine corps of the Russian army, was killed in battle. After the end of his mandate in the forces of UNPROFOR he took command of the Russian mercenary force in the so-called 'army of the Republic of Srpska'.

In April 1995 the commander of the UNPROFOR Sector East forces, the Russian General Pereljakin, who had been replaced because of miscarriage of his duties, was appointed as an adviser to the commander of the 'Baranja' division of the so-called 'RSK army'.

During May 1995 a group of 100 Greek and 500 Russian mercenaries arrived in the Gacko-Avtovac region from the town of Uzice (FRY (Serbia and Montenegro)). The main purpose of their arrival seems to be that the command of the

'Herzegovina corps' of the so-called 'army of the Republic of Srpska' intends to organize an international brigade.

Allow me, Your Excellency, to stress once again the overall commitment of the Government of the Republic of Croatia to participance in the process of suppression of the use of mercenaries throughout the world, especially as a practice contrary to the right of self-determination.

(Signed) Dr. Mate GRANIC
Deputy Prime Minister and
Minister for Foreign Affairs"

ANNEX III

Letter dated 14 July 1995 from the Permanent Mission of the Federal Republic of Yugoslavia (Serbia and Montenegro) to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights

"With reference to your letter G/SO 214 (18-13) of 8 May 1995, I have the honour to forward, enclosed herewith, Information on foreign mercenaries, prepared by the Government of the Federal Republic of Yugoslavia, with a kind request to forward it to Mr. Enrique Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries.

Information on foreign mercenaries

The Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia has given careful consideration to General Assembly resolution 49/150 and resolution 1995/5 of the Commission on Human Rights as referred to in the letter of the Special Rapporteur on the question of the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination (G/SO 214 (18-23)).

There can be no doubt as to the soundness of the actions taken with a view to reaffirming accepted international norms relating to the prevention of the use of mercenaries in military conflicts.

As far as the Federal Republic of Yugoslavia is concerned, the laws and regulations pertaining to this matter are clear and based on the international commitments accepted by Yugoslavia when it ratified the international instruments prohibiting the activities of mercenaries (Additional Protocol I to the Geneva Conventions).

Article 134 of the Constitution of the Federal Republic of Yugoslavia provides that the army of Yugoslavia is composed of Yugoslav citizens, that it is made up of a standing army and reserve units and that the standing army is composed of professional soldiers and conscripts. A federal law regulates the army of Yugoslavia (Official Gazette of the Federal Republic of Yugoslavia No. 43/94).

According to the Law on the Army of Yugoslavia, reserve units are composed of reserve officers, reserve non-commissioned officers, reserve soldiers and women conscripts (art. 7, para. 5).

Members of the army of Yugoslavia can be only Yugoslav citizens and, exceptionally in war, foreign nationals if they join the army of Yugoslavia as volunteers (art. 8, para. 3).

The units and institutions of the army of Yugoslavia are replenished from the standing and reserve units and during a state of war, imminent war danger or a state of emergency the army can also be replenished by

volunteers. Volunteers are persons who are not subject to conscription and conscripts who do not have military duty assignments in case of war. Volunteers are equal in rights and duties to military persons (art. 15).

The said provisions of the Constitution and the Law on the Army of Yugoslavia clearly indicate who in the Federal Republic of Yugoslavia can be a member of the army of Yugoslavia. They also indicate that a mercenary in the Federal Republic of Yugoslavia cannot have the status of a combatant or a prisoner of war, which is in accordance with article 47 of Additional Protocol I.

The events in the former Yugoslavia have shown that a large number of foreign mercenaries and mujahidin are involved in the war in former Bosnia and Herzegovina and Croatia. In its previous information to the Special Rapporteur, the Government of the Federal Republic of Yugoslavia has submitted its findings on this problem.

(a) On this occasion, the attention of the Special Rapporteur is drawn to the Information on Foreign Mercenaries Participating in the War on the Territory of the Former SFR of Yugoslavia prepared by the Committee Compiling Data on Crimes against Humanity and International Law of the Government of the Federal Republic of Yugoslavia on the basis of its investigation which was published as annex II to the fourth report of the Government of the Federal Republic of Yugoslavia on crimes committed in the territory of the former SFR of Yugoslavia (A/49/801-S/1994/1436, annex). Singled out from this list are the names of 13 mercenaries, Dutch citizens, who participated in the war operations in Croatia on the side of the Croatian military. Particular attention is drawn to the first eight mercenaries who participated directly in the crimes committed against the civilian Serbian population in the Medak pocket, on which UNPROFOR also reported. The list has been forwarded to the Dutch Ministry of Foreign Affairs which, according to the information available to us, transmitted it to the ad hoc International Tribunal at The Hague. The Dutch press also wrote about this (Het parool, Amsterdam, 15 April 1995, The European, 26 May 1995);

(b) According to the available information, six instructors from Jordan participated in the training of the 505th Muslim brigade from Buzim and in Koprivna (Cazinska Krajina) in 1993. They were transferred from Zagreb (Croatia). They were members of the special units of the Jordanian armed forces;

(c) A large number of mujahidin participated in the war operations in the Krupa area on the Una in December 1994. On the basis of lost documents, identified were Ahmed Hasan Al-Khatib, born in 1947, at Kalonia, Jordan, and Abid Ahmed Hasan, born in 1957 in Amman, Jordan;

(d) Furthermore, according to the information available to us, a group of 22 mujahidin was infiltrated, for the purpose of carrying out terrorist acts, into the area of Kamenicka premet (Mt. Ozren) in former Bosnia and Herzegovina at the beginning of April 1995. Having been given chase, they left behind many documents, including their battle conduct reports. Their

names are: Abu Imadel Meki, Abu Muhamed el Tunisi, Omran Abdel Setari, Abu Ahmed el Tunisi, Abu Hamaz, Abu Rahman Tunisi, Abu Haib el Magrebi, Abu Hamza el Pakistani, Abu Zijan el Tiblizi, Hamza Tunisi, Abu Abdulah el Gini, Abu Rida el Tunisi, Abu Selmani el Yemeni, Abu Talka el Jinubi, Abu Zubair el Tunisi, Abu Hasim el Tunisi, Abdulah el Tunisi, Akobad el Yeziri, Aburida el Magrebi, Abu el Musema el Masri, Abu Sima el Masri and Abu Munir el Mini.

The attention of the Special Rapporteur is drawn to the foreign reports on the participation of mercenaries, i.e. mujahidin, in the war in the former Yugoslavia.

(a) On 3 April 1995, the Sun of London carried an interview with 17-year-old Briton George Paterson from Biggin Hill, Kent, in which he described his duties as a mercenary sniper in the 109th brigade of the Croatian army. The said mercenary described in detail the murder of a Serbian soldier and said that he had been paid £100 every month;

(b) British mercenary Stephen Lambert was interviewed by 'Inside Story' on BBC 1. He said that there had been hundreds of British and French mercenaries with a Celtic accent in Croatia. He had belonged to the First International Unit whose assignment had been, among other things, to carry out sabotage by planting explosives in towns in order to deceive European Union cease-fire monitors and to present the Serbian army to the world public and the United Nations as the violator of the agreed cease-fire;

(c) On 20 February 1993, the Daily Telegraph reported on the actions of the Muslim Hanjar division of about 6,000 soldiers, citing an UNPROFOR officer who said that it was strange that a small number of Hanjar division commanders spoke Serbo-Croatian. The Daily Telegraph also reported that, according to United Nations sources, the members of this division were led and trained by mujahidin, veterans from Afghanistan and Pakistan. Many Albanians from Albania and Kosovo and Metohija were also members of the division;

(d) On 31 July 1994, a magazine published in London reported that about 40 officers of the Turkish army coordinated the operations of mujahidin who were still arriving in Bosnia and Herzegovina. In its February-March 1994 issue, the same magazine reported that the massacre at the Sarajevo Markale market on 5 February 1994 had been committed by a group of Hezbollah mujahidin specially trained for terrorist and other clandestine actions and not by a mortar attack of the Serbian side. Furthermore, in all its issues from January to August 1993, the magazine reported about the activities of the Armed Islamic Movement and its 'International Legion' in former Bosnia and Herzegovina under the control of well-trained and experienced mujahidin from Afghanistan. The magazine also reported about a great number of mujahidin from Iran, Algeria, Egypt, the Sudan, the Gulf, Pakistan, Afghanistan, the Syrian Arab Republic and Turkey. By the autumn of 1992, between 200 and 300 mujahidin had arrived in Travnik alone, over 200 in central Bosnia and Herzegovina and several hundred in Sarajevo. It is also said that Iran has sent well-trained Pazdarans to Bosnia and Herzegovina and that it controls Hezbollah units from Jordan. These forces are used

for clandestine terrorist operations in Bosnia and Herzegovina. At the beginning of November 1992, over 50 instructors and terrorists, members of the Hezbollah and Tawhid based at Baalbek (Lebanon), were sent to Bosnia and Herzegovina;

(e) On 2 June 1994, The Washington Times published the news, obtained from United States intelligence sources, that in early May 1994, Iran had sent 400 members of the Iranian Revolutionary Guard to Bosnia and Herzegovina with the assignment to organize terrorist groups among local Muslims. The activity of the Guard members was organized from the Iranian Embassy in Zagreb. According to The Washington Times, between 350 and 400 Iranian Revolutionary Guardsmen were in Bosnia and Herzegovina at that time. The members of this special military unit had trained militant Muslims in the Middle East and northern Africa;

(f) In its analysis entitled 'The Truth about Gorazde' (1994), a special group of the Republican Party in the United States Congress said that Muslims in this town had gained advantage due to Afghan and Arab volunteers who expelled the Christian population, describing it as an act of ethnic cleansing;

(g) In its issue of July 1994, Davor of Jerusalem reported that central Bosnia and Herzegovina was turning into a military training camp headed by Hezbollah members. In this region, there are two training camps - one near Zivinice and the other near Tuzla in the vicinity of the airport, which enables the Muslims to control illegal arms supplies. The magazine reported the arrival of 400 Hezbollah members from the 'El Quds' units to Bosnia and Herzegovina. These mujahidin had previously been in the region of Baalbek in Lebanon. According to the magazine, mujahidin were leaving Bosnia and Herzegovina and, at the beginning of 1994, about 300 of them had already gone to Azerbaijan where they joined the Azeri army;

(h) On 26 February 1995, the Turkish magazine Nokta wrote about the participation of 'Unit of the World Order' members in the war in former Bosnia and Herzegovina. These members are mujahidin, but also members of the special task units of the Turkish police who spend their vacations or sick-leaves fighting in former Bosnia and Herzegovina.

Information on foreign mercenaries participating in the war on the territory of former SFRY

I. PARTICIPANTS IN THE CROATIAN ARMY OPERATIONS AT THE 'MEDAK POCKET'

1. Rick Grauwert: born in Helden, the Netherlands, age about 27, finished the Royal Military School in the Netherlands. As a professional soldier he had served in the Dutch army with the rank of sergeant. Towards the end of 1991 he was hired as a mercenary by the Croatian army and stationed in Perusic. He was one of the mercenaries in the Croatian army who committed war crimes against Serb civilians and wounded in the Medak pocket. He was demobilized from the Croatian army allegedly under pressure

from the West, whereafter he tried to obtain Croatian citizenship. Having failed to do that, he has returned to Holland and is currently working as a truck driver in his home town.

2. Raymond van der Linden: born in Roosendaal, the Netherlands, age about 35. Towards the end of 1991 he was hired as a mercenary in the Croatian army and stationed in Perusic. He was one of the perpetrators of war crimes against Serb civilians and wounded in the Medak pocket. For some time he was a member of the Croatian Armed Forces (HOS) and after that he joined the 104th Croatian Defence Council (HVO) brigade and took part in war operations in the region of Bosanska Posavina. After he was wounded, he was cured in a hospital in Zagreb. He acquired Croatian citizenship and is now living in Gospic with his wife Tanja from Velika Gorica.

3. Andre Van der Aart: born in Lisse, the Netherlands, age about 29. He used to be a member of the Dutch contingent of United Nations forces in Lebanon with the rank of corporal. Towards the end of 1991 he was hired as a mercenary in the Croatian army and stationed in Perusic. He was one of the perpetrators of war crimes against Serb civilians and wounded in the Medak pocket. He is currently living in his home town in Holland.

4. Mark Molenaar: born in Amsterdam, the Netherlands, age about 24. He used to serve in the Dutch contingent of the North Atlantic Treaty Organization (NATO) forces stationed at the Seedorf base in Germany. Towards the end of 1991 he was hired as a mercenary by the Croatian army and stationed in Perusic. He was one of the perpetrators of war crimes against Serb civilians and wounded in the Medak pocket. Following demobilization, he returned to Holland.

5. Edwin Hoovens: born in Venlo, the Netherlands, age about 26. Used to be a truck driver in the Dutch army. Towards the end of 1991 he was hired as a mercenary by the Croatian army and stationed in Perusic. He was one of the perpetrators of war crimes against the Serb civilians and wounded in the Medak pocket. He was wounded while he was a member of the Croatian army. He had returned to Holland wherefrom he allegedly left for Israel and is currently working in a kibbutz.

6. Martin de Porres: born in Ambon, Indonesia, age about 33, used to be a sergeant in the Dutch army. Formerly a student of theology. Towards the end of 1991 he was hired as a mercenary in the Croatian army and stationed in Perusic. He was one of the perpetrators of war crimes against Serb civilians and wounded in the Medak pocket. After he was demobilized, he returned to Holland and is allegedly now a monk in Arnhem.

7. Joost van Dijk: born in Den Bosch, the Netherlands, age about 26. Used to be a professional soldier in the Dutch army for four years, specializes in mines and explosives. Towards the end of 1991 he was hired as a mercenary in the Croatian army and stationed in Perusic. He was one of the perpetrators of war crimes against Serb civilians and wounded in the Medak pocket. Upon demobilization, he returned to Holland. He had been

treated for alcohol addiction and is at present allegedly in Kazakstan as a volunteer.

8. Tom Chitum: born in Whoopaki Lake, United States of America, age about 46, fought in Viet Nam as a member of the United States army. Towards the end of 1991 he was hired as a mercenary in the Croatian army and stationed in Perusic. He was one of the perpetrators of war crimes against Serb civilians and wounded in the Medak pocket. He abandoned the Croatian army following the leave he had been granted in 1993.

9. Ellijas Laslo: born in Hungary, served in the parachute regiment of the Hungarian army. As a mercenary for the Croatian Army, he joined HOS and then the 104th HVO brigade and participated in the fighting in Bosanska Posavina. He was one of the perpetrators of war crimes against the Serb civilians and wounded in the Medak pocket.

10. Johannes Tilder: born on 25 October 1963 in Enkhuizen, the Netherlands. Attended the Royal Military School in the Netherlands, served as an officer in the Dutch army, graduated from the Special Military School, where he completed a reconnaissance and parachute course. He was a member of the Dutch battalion of NATO in Germany, at the Seedorf base. He stayed in Germany from 1985 to 1990 when he joined the French Foreign Legion. He left the Legion by the end of 1990 and returned to the Netherlands. Towards the end of 1991 he was hired as a mercenary by the Croatian army via a branch organization of 'Croatian Relief' in the Netherlands. His engagement as a mercenary for the Croatian army was mediated by the Nederlandse Werk Gemenschap organization, together with a pro-Fascist party Centrum Democraten. He arrived in Croatia on 22 November 1991. He was given his first instructions by the Ministry of Defence where he was received by Jure Martinovic. Thereafter, he was placed at the disposal of the Croatian army in Gospic where he reported to the then Commander of Military Police, Tihomir Oreskovic. He held the Croatian army rank of lieutenant, deputy commander of the reconnaissance and sabotage detachment of the 9th guard mechanized brigade. He was one of the perpetrators of war crimes against Serb civilians and wounded in the Medak pocket. Killed?

II. OTHER MERCENARIES IN THE CROATIAN ARMY

11. Bart Velt: born in Haarlem, the Netherlands, age about 30. Used to be a radio operator in the Dutch army contingent attached to the United Nations forces in Sanai. Towards the end of 1991 he was hired as a mercenary in the Croatian army and stationed in Perusic. After demobilization he returned to the Netherlands and is currently working in his home town.

12. Johannes Stelling: born in Drachten, the Netherlands, age about 28, hired as a mercenary for the Croatian army by the beginning of 1992. Served as a reconnaissance officer in the Croatian army. Following demobilization, he stayed for some time in Herzegovina and Livno. By the

end of 1992 he returned to the Netherlands and is now living in his home town.

13. Ronald Geurts: born in Utrecht, the Netherlands, age about 27, served in the Dutch army. By the end of 1991 he joined the Croatian army and was stationed in the army barracks in Perusic, allegedly as a journalist. He did some shooting with a video camera and sent his reports to Dutch Television via Zagreb. In the spring of 1994 he was working in a restaurant in Maksimir, Zagreb.

14. Peter van Eekeren: a citizen of the Netherlands. By the end of 1991 he was hired as a mercenary for the Croatian army and acted as an instructor in Jastrebarsko. He also sent reports to Dutch Television.

15. Mustafa N., called 'Africa', originally from the Sudan, reportedly attended the Maritime College in Rijeka. Served with the Croatian army as an interpreter for Johannes Tilder and also as an instructor in the Croatian army brigade. Allegedly he is currently employed as an interpreter for the European Community Mission in Ogulin.

16. An Englishman, unidentified, hired for the Croatian army in the First Brigade in Samobor.

17. A Canadian, unidentified, hired for the Croatian army as a colonel in the area of Zadar.

18. Henk Joling: a citizen of the Netherlands, married to a Croat woman residing in Holland. Owns a small export-import company in Zagreb. Served as an intermediary between the Croatian Ministry of Defence and the Dutch mercenaries seeking engagement by the Croatian army.

III. MERCENARIES IN THE SO-CALLED 'INTERNATIONAL BRIGADE'

19. The so-called 'International Brigade' was established in Zagreb at the beginning of the war and consisted of foreign mercenaries and foreigners of the Croat origin. There were many Germans from the former German Democratic Republic, Englishmen, Americans, Frenchmen, Austrians, etc. in the Brigade. Most of its operations were carried out in Slavonia, in the vicinity of Osijek. Allegedly, the commander of the Brigade was a captain Hans, a citizen of Germany.

IV. MERCENARIES IN THE CROATIAN ARMY WHO PARTICIPATED IN THE OPERATIONS ON THE TERRITORY OF THE SO-CALLED BOSNIA AND HERZEGOVINA (BIH) IN THE REGION OF BOSANSKA POSAVINA

20. Uslisti (Aleksandrovic) Sergei: born on 18 July 1963 in Omskaya district, former USSR. Used to be a member of the 101st HVO brigade which took part in the operations in Bosanska Posavina.

21. Trishin (Borisovic) Aleksei: born on 6 July 1964 in Novolsibirsk, former USSR. Used to be a member of the 101st HVO brigade which took part in the operations in Bosanska Posavina.

22. Wolfgand Niedereuger, a citizen of Austria, used to be hired for the Croat army in the so-called BIH, a fact published in the Austrian press.

23. Krup Stefan, a citizen of Austria from Korushka, participated in the Croat army operations near Mostar.

V. FOREIGN MERCENARIES ON THE SIDE OF CROAT FORCES IN HERZEGOVINA, FORMER BIH

24. On 20 July 1992, an unidentified German citizen was one of the perpetrators of the murder of Milena Laganjin, a Serb woman, in the camp established for Serbs at the school 'Ivan Goran Kovacic' in Livno.

25. At the beginning of 1992, a number of mercenaries were attached to the Croat forces in Livno from Germany, England, Spain and Argentina. Also noticed among them was a black man. They all wore uniforms with the RH insignia (Republic of Croatia).

VI. FOREIGN MERCENARIES IN THE SO-CALLED BIH, MEMBERS OF MUSLIM MILITARY FORCES AND CROAT MILITARY FORCES

(a) In mid-September 1992, between Tesanj and Teslic, a group of 43 mercenaries, mujahidin, mainly from Saudi Arabia, took part in the operations against the army of the Republic of Srpska on the side of Muslim military forces. The following persons were identified:

26. Abu Isak, commander of the group, born in Mecca.

27. Abu Xerib, deputy commander of the group, born in Mecca.

28. Seih Abu Sulejman, in charge of religious matters.

The above-mentioned mercenaries had crossed the Austrian-Slovenian border by the beginning of August 1992 and a few days later they crossed the border of Croatia. In Kamensko, they received a certificate from Imam Sefik Omerbasic which stated that they had been dispatched to BIH to investigate the possibilities for delivering humanitarian aid. Films and photographs showing the heads of decapitated Serbs were found on some of them.

(b) The following persons fought on the Derventa front on the side of military forces of the former BIH:

29. An unidentified Arab.

30. Venzhou Zhejiang, Chinese, a citizen of France.

31. Abid Abu Safijahsi, a citizen of Jordan, used to have permanent foreigner's residence in Derventa.

(c) In Hrasnica:

32. Naser N., a citizen of Bahrain, in collusion with a group of foreigners, organized the procurement and delivery of arms to the warehouses in Pazaric and Hrasnica. This deal was supported by 'Mesihat' from Zagreb.

A special unit was stationed in the region of Hrasnica, under the name of 'Black Swans', composed of mercenaries - professionals from the United States of America, France, Italy and elsewhere.

(d) The following person fought on the side of the military forces of the so-called BIH in the broader area of Prijedor:

33. Ostruk Mahmut, a citizen of Turkey.

(e) About 30 Turkish citizens, together with the members of the territorial defence of the so-called BIH, participated in the attack on Llijas and Cakrcici. Among them were allegedly about 20 Turkish women whose duty was to strengthen their morale.

(f) The foreign mercenaries mentioned below who fought on the side of the military forces of the so-called BIH were treated in the Zenica hospital:

34. Ibu Raha, a citizen of Saudi Arabia.

35. Shaker Al Sharif, a citizen of the Syrian Arab Republic.

36. Abu Falah, a citizen of Egypt.

37. Abu Amin, a citizen of Egypt.

38. Ijas Medini, a citizen of Saudi Arabia.

39. Abu El Zubeir, a citizen of Saudi Arabia.

40. Abdurahman Abu Sarahudin, a citizen of Saudi Arabia.

41. Twelve unidentified citizens of Islamic countries.

(g) Around 30 foreign mercenaries - Italians, Germans, Frenchmen and others - were accommodated in the Buna bungalows, the property of Aluminum Works of Mostar.

(h) Unidentified citizens of Germany, Great Britain and the United States of America were members of HOS in the region of Capljina.

(i) Mercenaries, members of HOS, at the infamous camp for Serbs in Dretelj.

42. Joe N., a citizen of the United States of America, posing as a journalist, spoke no Serbian, age about 48, about 180 cm tall, slim, with brown hair, participated in the rape of Serb women in the camp for Serbs in Dretelj.

43. A few Poles and Germans were members of the Croat military forces in the so-called BIH in Dretelj.

VII. MUJAHIDIN IN SO-CALLED BIH

By the beginning of September 1992, 250 mujahidin ('holy warriors of Jihad') had arrived in the so-called BIH from Turkey, Iran, Bahrain and Qatar. They were accommodated in the building of the Pensioners' Home in Babina rijeka near Zenica and in Kakanj. Their transfer to the former BIH had been arranged by Muhamed Cengic, Vice Prime Minister of the Government of the so-called BIH.

VIII. FOREIGN MERCENARIES IN THE 'FRANKOPAN' BATTALION IN HERZEGOVINA, FORMER BIH

Mercenaries from the French Foreign Legion and other foreign citizens were members of the so-called 'Frankopan' battalion established and trained in Kumrovec near Zagreb. They fought in Herzegovina, the region of Mostar. The sole purpose of this detachment was to carry out sabotage and terrorist actions on the territory of the Republic of Srpska. Their motto was 'No prisoners'.

IX. FOREIGN MERCENARIES IN THE 'ZRINSKI' BATTALION OF THE CROATIAN ARMY

Mercenaries from the French Foreign Legion and other foreign citizens were members of the so-called 4th independent battalion of the Croatian army under the name of 'Zrinski'. They had also been prepared and trained in Kumrovec near Zagreb. For a time they were operating in the broader area of Tomislavgrad (Duvno).

(Signed) Miroslav MILOSEVIC
Counsellor"

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/50/391
30 August 1995

ORIGINAL: ENGLISH

Fiftieth session
Item 72 (c) of the provisional agenda*

REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION: ADVISORY BOARD ON DISARMAMENT MATTERS

Report of the Secretary-General

Introduction

1. The Secretary-General reports annually to the General Assembly on the work of the Advisory Board on Disarmament Matters as requested by the Assembly in its resolution 38/183 O of 20 December 1983.

2. The Board held two sessions in 1995, the first at Geneva from 10 to 12 January and the second in New York from 19 to 23 June. The meetings were chaired by Ambassador Mohammed Shaker.

3. On both occasions I was able to spend some time with the Board, giving them my views on issues and hearing their advice on the role of the Secretary-General, and the Secretariat, in the field of disarmament and related matters. The Board is working more and more in the broader context of international peace and security in which disarmament is seen as one component of security and not as an end in itself. Nevertheless, the work remains focused on disarmament matters.

4. Just before the meeting in June, I attended a meeting of the High-level Open-ended Working Group on the Financial Situation of the United Nations. I was thus able to confirm directly with the members that the resources of the United Nations available to meet the costs of some of their suggestions were extremely limited or non-existent. The Board had identified substantial resource requirements in the areas of servicing the Conference on Disarmament;

---

* A/50/150.

enabling the regional centres to function; promulgating to Member States the merits of the Register of Conventional Arms; and maintaining the ability of the United Nations Institute for Disarmament Research (UNIDIR) to produce quality research. Unfortunately, given the present financial situation of the Organization, I was not able to be optimistic. I therefore call upon Member States to be generous with voluntary contributions in order that improvements can be made in all these important areas. Meanwhile, the Secretariat will be strict in selecting and prioritizing activities in the area of arms control and disarmament, as in all other areas.

Nuclear issues and other weapons of mass destruction

5. The issue of the Non-Proliferation Treaty was addressed by the Board at both meetings. At the time of the Geneva meeting, preparations were under way for the Review and Extension Conference. My position was already known and therefore the Board conveyed to me their views on how I might assist the review and extension process. They also presented their views on how a strengthened and yearly review process might enhance the possibility of an indefinite extension. Professor John Simpson provided a great deal of relevant analysis on this issue at both meetings.

6. By the time of the New York meeting, the Review and Extension Conference had taken place. One of the decisions of the Conference, "Strengthening the review process", sets out a robust procedure and I look forward to its full and timely implementation. In addition to the review process, the Conference, by a second decision, adopted a set of "Principles and objectives for nuclear non-proliferation and disarmament". Central to these principles and objectives is the achievement of a Comprehensive Nuclear Test-Ban Treaty no later than 1996, immediate commencement of negotiations on a convention banning the production of fissile material for nuclear explosive purposes and systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating them.

7. I am convinced that achievement of a test-ban treaty by the end of 1996 is essential both to the nuclear non-proliferation regime and to disarmament. In my address to the Conference on Disarmament on 6 July, I stated that practical steps towards nuclear disarmament must now be pursued with determination and that the Comprehensive Nuclear Test-Ban Treaty was of immediate relevance. This view was also strongly held by the Board. The Board was also of the view, however, that the early indicators of progress in the negotiations on a Comprehensive Nuclear Test-Ban Treaty, and on the "cut-off" of fissile materials, were less encouraging than anticipated. One of the impediments to progress was the decision by some nuclear-weapon States to continue or resume testing pending the entry into force of the Comprehensive Nuclear Test-Ban Treaty. The Board recommended that I do all I could to call for a moratorium on testing. In my address to the Conference I strongly urged the nuclear-weapon States to exercise the utmost restraint.

8. I believe that the decisions of the Non-Proliferation Treaty Review and Extension Conference are a "package" which has great potential as a framework for nuclear disarmament. However, the process for implementing the package is

not clear, nor is the role of the United Nations in that process. I have asked the Board to give thought to this matter and to report its views to me at the next meeting.

9. Others in the international community have been thinking about the role of the United Nations with respect to all weapons of mass destruction, in particular the role of the Security Council. Although the Council, in its statement of 31 January 1992, clearly defined a role for itself with respect to the proliferation of weapons of mass destruction, it did not decide on a monitoring mechanism of its own. There have recently been various proposals by Member States and non-governmental organizations (NGOs) to give the Security Council the "ways and means" to assess the risk of proliferation. The Board, on the whole, saw certain merits in some of the ideas put forward, but felt that the matter required more thorough consideration. I look forward to its further reflections on this issue but I acknowledge, of course, that any decision in this regard will have to come from the Security Council itself. I will be following with interest the Council's own discussions on this issue.

10. During the Geneva meeting, members of the Board expressed concern at the slow pace by which signatories were ratifying the Chemical Weapons Convention. At their suggestion, on 13 January, I wrote to the Foreign Ministers of all States signatory to the Convention, urging ratification at the earliest possible time. I was encouraged by the replies received. I look forward to attainment of the goal of 65 signatures so that the process can begin of bringing the Convention into force.

11. Members of the Board agreed with me that the problem of illicit trafficking in nuclear materials and other radioactive substances was a serious one deserving the attention of the disarmament community. The Board felt that some good research had been done in this area, and that the International Atomic Energy Agency (IAEA) was implementing an excellent action plan, but it felt that there was still room for more work. Accordingly, in its capacity as the Board of Trustees of UNIDIR, the Board recommended that UNIDIR explore the possibility of carrying out a study on the subject in cooperation with IAEA. I look forward to the results.

Micro-disarmament

12. The Board also devoted a great deal of its time to the concept of "micro-disarmament", which had been raised in my position paper "Supplement to An Agenda for Peace" (A/50/60-S/1995/1 dated 25 January 1995). The proliferation of light weapons in particular was a major concern of the Board. Members recognized the advances already made by the United Nations in the context of comprehensive peace settlements and the special efforts now under way with respect to land-mines. Nevertheless, the Board identified the need for a better understanding of the ways and means of conducting micro-disarmament in other situations where there was no formal peace settlement and perhaps no presence of the United Nations or a regional organization. Micro-disarmament would seem to be an area where regional organizations have an essential role to play and must become fully engaged. Internal stability is also necessary to foster a climate for micro-disarmament.

13. The Board strongly encouraged the efforts of my advisory mission to Mali in 1994 and its follow-up activity this year in six other States of the Sahara-Sahel subregion, Burkina Faso, Chad, Côte d'Ivoire, Mauritania, Niger and Senegal. However, the groundwork done by those missions only heightens awareness of the need for practical answers to some challenging questions, e.g., What type of incentive programmes would work in Africa? What level of stability is required before they could be implemented? What sort of "Code of conduct" might be effective with supplier States?

14. The experience of the Sahara-Sahel mission, which largely mirrored the Mali mission of last year, indicated that unless there was an adequate level of personal security for the people of a country plagued with a proliferation of light weapons, there would be no possibility of achieving successful micro-disarmament programmes. The Board took firmly the view, which I fully share, that developing countries, especially those emerging from situations of internal conflict, require external assistance to achieve stability. Without stability, hope for sustainable development is lost. The delicate question of how to recognize this need in the allocation of external assistance was of concern to the Board and is, I am sure, a concern to many States, in particular the major donors. The Board was able to draw on the experience of one of its Members, Brigadier General (Ret.) van der Graaf, deputy leader of the missions to Mali and the Sahara-Sahel, in understanding more fully a situation that is unfortunately all too common today. The Board fully supports the concept of a proportional and integrated approach to security and development. This approach is one I intend to promote with other parts of the United Nations system, especially the United Nations Development Programme, and with the donor countries.

New special session of the General Assembly on disarmament

15. Another major issue for the Board was the new special session of the General Assembly devoted to disarmament, which has been agreed in principle by the General Assembly and is planned for 1997. As forecast in my last report to the General Assembly, at the January meeting the Board formed a small working group to develop a paper with its recommendations on a "vision" for that session, and the Secretary-General's possible role before, during and after it. The draft paper, entitled "Some thoughts on the disarmament agenda at the end of the century: the role of the Secretary-General of the United Nations", was coordinated by Ambassador Pfirter with substantive assistance from Ambassadors Agaev and de La Gorce who provided supporting papers of their own.

16. In its preliminary discussion of these papers, the Board agreed that it was time to consider a disarmament agenda which might have the following components and characteristics. It would need to situate arms control and disarmament within an overall international system of security. That system of security would have to include provisions for eventually replacing the current nuclear arrangements. The agenda would need to be balanced between nuclear and conventional issues. International terrorism, possibly involving weapons of mass destruction, would need to be part of it. Regional approaches would be needed but work done in the global setting must be drawn on as appropriate.

Finally, the institutional arrangements for arms control and disarmament would need to be reviewed.

17. With respect to the new special session the Board noted that its timing, following so soon after the 1995 Non-Proliferation Treaty Review and Extension Conference, might not be conducive to achieving the expected objectives. Some positive results in implementing the decisions of the Non-Proliferation Treaty Conference will need to be forthcoming before a concerted attempt is made to develop a new agenda. In that light, the Board noted that 1997 is also the first year of the new Non-Proliferation Treaty review process. It is also the point at which the Comprehensive Nuclear Test-Ban Treaty negotiations should have been completed and substantive progress made on the "cut-off" for the production of fissile materials for nuclear explosive purposes. In those circumstances it might be better to schedule the special session at a more propitious time, but in any case not before 1998.

18. Some members of the Board also made the point that instead of a special session devoted to disarmament, Member States might consider having a special session on Global Security and Disarmament. This would go further than just thinking of disarmament as a component of security. It would also allow a deliberate and considered debate on some of the issues I raised in "An Agenda for Peace" (A/C.1/47/7) and its Supplement.

19. The Board will continue to develop the paper on the special session for consideration at its next meeting in early 1996. I have not yet taken a position on the scope or timing of the special session but I thought it useful to apprise Member States of the thinking of the Board which has raised very pertinent questions.

Register of Conventional Arms

20. The members reviewed the quantity and quality of reports to the Register of Conventional Arms. They regretted that the Register was not attracting more universal participation. The Board accordingly recommended that States that are currently participating in the Register should encourage other States, through a kind of "partnership approach", to do so also, and should offer to assist those States in the political and technical aspects of reporting. At the same time, the Board reiterated its support for the concept of regional and subregional variants of the Register and commended the Centre for Disarmament Affairs, and its regional centres, for including this option in its programme to promulgate the merits of transparency through the Register. The Board hoped that the Centre had sufficient financial resources to carry out this programme. I welcome all efforts to enhance the Register process and in particular commend the "partnership approach" recommended by the Board.

The Conference on Disarmament

21. During the Geneva meeting, the Board received briefings on a number of ongoing activities. The President of the Conference on Disarmament for January addressed the Board on its methods of work and the activities of its various

subgroups. The Board was disappointed to learn that many problems remain, related to the methods of work and dating from the cold war era. The unresolved question of membership was also troubling and detracted from the work of the Conference. Nevertheless, the Conference was agreed to have done, and was capable of doing, very good work as the only negotiating body for multilateral arms control and disarmament. I hope that the membership problem will be resolved soon and that important issues like the Comprehensive Nuclear Test-Ban Treaty and "cut-off", noted above, will be concluded successfully without delay. I made all these points in my address to the Conference on 6 July 1995 when it closed its second session.

22. The Special Coordinator of the Conference on Disarmament, charged with developing a mandate for an ad hoc committee on the cessation of production of fissile material for nuclear explosive purposes, also briefed the Board on his efforts. During the Geneva meeting, the Chairman of the Group of Governmental Experts, preparing for the Review Conference on the Inhumane Weapons Convention, spoke on the state of its work at that time. These briefings were very beneficial to the Board and put them in a much better position to advise me on key matters within their jurisdiction.

Other matters

23. At the Geneva meeting, the Board, reflecting on its earlier discussion on "Equitable and responsible access to new technologies", noted that this issue (as subsequently manifested in the debate at the Non-Proliferation Treaty Review and Extension Conference) was far from being settled to the satisfaction of all States. The Board once again supported the efforts that had been made in the United Nations Disarmament Commission over the last few years, and recommended that consideration be given to possible efforts at the fiftieth session of the General Assembly to return the item to the agenda of the Commission in 1996. Meanwhile, the Board also recommended that the guidelines, as currently developed in the United Nations Disarmament Commission, be examined in detail at the regional level. I hope that Member States will give due consideration to this point.

24. The Board was briefed on the activities of the Centre for Disarmament Affairs. Members were particularly interested in the Centre's periodic and special publications in the area of arms control and disarmament. Members of the Board have been active in contributing articles and essays to these publications, which is an important part of their contribution to inter-sessional work. Briefings also included a report by Ambassador Mason who chaired the study group of governmental experts on "Verification in all its aspects, including the role of the United Nations". I look forward to the results of that study, which was completed in July 1995.

25. The briefings also included updates on the three regional centres for Peace, Disarmament and Development in Africa, Asia and the Pacific, and Latin America and the Caribbean. Details of the parlous financial situation of those Centres were given in my separate report on them (document A/50/380). The Board was concerned that the many proposals to devolve responsibility for security-related matters to regions and subregions were not being reflected in the

attitude of the General Assembly and Member States towards the regional centres. Voluntary contributions for substantive activities continued to fall and Member States remained reluctant to finance their operational costs. This was prejudicing the centres' potential to become focal points for the devolution of responsibility and development of initiatives for their regions. Should there be no change in Member States' attitude to financial support for the centres, I see no alternative to closing their offices.

26. The Board was interested in the role of regional organizations in collective security. It requested and received a briefing from the Under-Secretary-General for Political Affairs on the current relationship between the United Nations and the regional and subregional organizations in the field of peace and security. This in turn led to a discussion on the various forms of preventive action that could be implemented by global and regional organizations and how they might complement each other. Discussion on this item was greatly assisted by a presentation by Professor Gasteyger.

27. During its session in July 1994, the Board had decided to revert to a previous practice of inviting the NGO community to meet with it and to present their views on items of topical interest. NGOs play a significant role in arms control and their activity should be encouraged. The January meeting with the Special NGO Committee for Disarmament (based at Geneva) revealed a major concern in the international NGO community that the United Nations should better communicate its position on matters of international concern, particularly in the field of arms control and disarmament. This is an issue on which I have expressed my own apprehensions, including in my report of last year. The Special NGO Committee was also concerned with the lack of resources devoted to disarmament and, in supporting the idea of another special session on disarmament, hoped that one of the results might be the establishment of a disarmament fund. In particular, the Committee asked that more resources be allocated to the regional centres whose slow development they regretted. The Special NGO Committee stressed that it had just begun to study the "Supplement" but, on the whole, was sympathetic to the focus put on the proliferation of light weapons.

28. When the Board met in New York in June with the equivalent organization there, the Special NGO Committee on Disarmament at Headquarters, the atmosphere was much coloured by the recent Non-Proliferation Treaty Conference. The Committee briefed the Board on its perception of the Conference results stressing, inter alia, the large degree of support expressed for the elimination of nuclear weapons as soon as possible. NGOs felt that progress in the Conference on Disarmament on issues directly related to the Non-Proliferation Treaty was much too slow and stressed that this would again put in question the sincerity of States' declared intentions to make real progress in nuclear disarmament. The Committee was also concerned with conventional arms issues and welcomed, in particular, the work being done on the problem of land-mines. The New York Committee also raised the question of communications in the context of "on-line" access via the Internet to United Nations documentation, reports, etc., and better access to documentation and delegations during major conferences. Arrangements are in hand for improvements in both these areas.

29. I welcome the reopening of communication between the Board and the NGO community and look forward to its continuance.

30. Also at Geneva, and under the sponsorship of UNIDIR, the Board was afforded a briefing on the work of the Commission on Global Governance. Lord Judd and Mrs. Sadako Ogata, two of the members, gave an overview of their report "Our global neighbourhood", and engaged in a dialogue with Board members on its main conclusions. Although the Board did not have a unanimous view on all facets of that report, there was agreement with many of its conclusions, particularly that the security of States is only relevant if it enhances the security of peoples. Board members were particularly interested in the major recommendations concerning nuclear weapons. This type of briefing, as I mentioned last year, will be a regular feature of Board sessions.

31. Future sessions of the Board will focus on: the role of the United Nations in helping to implement the decisions taken at the Non-Proliferation Treaty Review and Extension Conference, with special priority for the Comprehensive Nuclear Test-Ban Treaty and the "cut-off" negotiations; development of practical options for micro-disarmament, especially at the regional level; and development of ideas for the disarmament agenda for the year 2000 and beyond, with particular reference to the proposed special session on disarmament (or global security and disarmament).

32. A number of Board members completed their term of office in 1994. I have thanked them for their services while at the same time welcoming the new members, Mr. Nana Sutresna, Mr. Natarajan Krishnan, Mr. André Erdös and Mr. Oumirseric Kastenov. A list of the current members is in the annex to the present report.

33. In its capacity as the Board of Trustees of UNIDIR, the Board devoted one meeting at each session to reviewing the report of the Director for the previous year and to approving the programme of work for 1996.

ANNEX

Members of the Advisory Board on Disarmament Matters

Mr. Ednan T. AGAEV
Ambassador
Embassy of the Russian Federation to Colombia
Bogota, Colombia

Mr. Marcos Castrioto de AZAMBJUA
Ambassador
Embassy of Brazil to Argentina
Buenos Aires, Argentina

Mr. Mitsuro DONOWAKI
Ambassador
Embassy of Japan to Mexico
Mexico City, Mexico

Mr. André ERDŌS
Deputy State Secretary
Ministry of Foreign Affairs
Budapest, Hungary

Lieutenant General (Ret.) Emmanuel A. ERSKINE
Accra, Ghana

Dr. Curt GASTEYGER
Professor, The Graduate Institute of International Studies
Director, Programme for Strategic and International Security Studies
Geneva, Switzerland

Brigadier General (Ret.) Henny J. van der GRAAF
Director, Center for Arms Control and Verification Technology
Eindhoven University of Technology
Eindhoven, Netherlands

Dr. Josef HOLIK
Ambassador
Federal Government Commissioner for Disarmament and Arms Control
Bonn, Germany

Mr. Oumirseric KASENOV
Director
Kazakstan Institute for Strategic Studies
Almaty, Kazakstan

Mr. Natarajan KRISHNAN
Ambassador
Bangalore, India

Mr. François de LA GORCE
Ambassador
Paris, France

Mr. James F. LEONARD
Ambassador
Executive Director, Washington Council on Non-Proliferation
Washington, D.C., United States of America

Ms. Peggy MASON
Ambassador
Senior External Fellow, York Centre for International and Strategic Studies
Toronto, Ontario, Canada

Professor Wangari MATTHAI
Coordinator, The Green Belt Movement
Nairobi, Kenya

Mr. Rogelio PFIRTER
Ambassador
Under-Secretary for Foreign Policy
Ministry of Foreign Affairs
Buenos Aires, Argentina

Mr. SHA Zukang
Ambassador
Permanent Mission of China to the United Nations Office at Geneva
Geneva, Switzerland

Mr. Mohamed I. SHAKER
Ambassador
Embassy of the Arab Republic of Egypt to the United Kingdom of Great Britain and Northern Ireland
London, United Kingdom

Professor John SIMPSON
Director, Mountbatten Centre for International Studies
Department of Politics
University of Southampton
Southampton, United Kingdom

Ms. SITTI AZIZAH Abod
Under-Secretary, Policy Division
Ministry of Defence
Kuala Lumpur, Malaysia

Mr. Nana SUTRESNA
Head Executive Assistant to the Chairman of the Non-Aligned Movement
Ministry of Foreign Affairs
Jakarta, Indonesia

Mr. Klaus TORNUDD
Ambassador
Embassy of Finland to France
Paris, France

Mr. Sverre LODGAARD a/
Director, UNIDIR

Notes

a/ Ex officio member.